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SUMMARY
OF THE
ADMINISTRATION
OF
LORD CURZON OF KEDLESTON,
VICEROY AND GOVERNOR GENERAL OF INDIA,
IN THE
HOME DEPARTMENT.

- I.—JANUARY 1899 TO APRIL 1904.
II.—DECEMBER 1904 TO NOVEMBER 1905.



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PART III.—ILLUSTRATIVE DOCUMENTS.

(NOTE.—These have been shown against the appropriate headings in part I and II.)

[INTRODUCTORY NOTE.—This summary of the proceedings of Lord Curzon's viceroyalty in the Home Department deals with two periods, the first extending from January 1899 to April 1904 and the second from December 1904 to November 1905. Transactions which pertained entirely to the intervening period have been necessarily excluded, but otherwise no distinction has been drawn between the events of the former and the latter periods, and endeavour has been made to present the narrative of a single continuous policy operating for practically seven years.

The record is, properly speaking, that of the Home Department only; but in March 1905 some heads of business were transferred from the Home Department to the Commerce and Industry Department, and in their case, for the sake of clearness and completeness, events of later date than March last have been incorporated in the record of this Department to which during far the larger part of the period under review the matters in question pertained.

A word may be added to explain the formal arrangement which has been adopted. Roughly speaking, Part I of the summary purports to describe the main lines of policy: Part II gives the history of particular events and transactions in some detail: and Part III contains a selection of the more important illustrative papers. To Parts I and II have been attached footnotes referring to the papers on which the chief statements in the narrative are based: the references to papers which are of sufficient interest to find a place in Part III have been shown in italic print, while papers not so included have been indicated in ordinary type. The serial numbering given to the italicised references thus serves as an index to the papers in Part III.

It has not been an entirely easy matter to distribute the subject matter between Parts I and II. To the former properly belong the main reforms initiated in Lord Curzon's time. In his budget speech of March 27, 1899, His Excellency indicated, though without naming, twelve respects in which it was his intention to reform the administration: and two years later, in the financial debate of March 27, 1901, he explained what these were. Among them the matters pertaining to the Home Department were the reform of education, the reform of the police, the reform of the leave rules, the reform of secretariat procedure and the curtailment of reports and returns. But in the case of the two former at least any comprehensive account of the far-reaching alterations set on foot would extend far beyond the limits of a general review. In respect of these, therefore, Part I purports to describe only the initiation of the changes and the main lines on which they are proceeding, leaving the details to be treated at length in the appropriate chapter of Part II. But in so far as the discussions have already culminated in action it seemed right that they should find a place in a statement of general policy. In its account of the educational question, therefore, the general review narrates the completion of those portions of the reform scheme which are represented by the passing of the Universities Act, the appointment of a Director General of Education, the grants to local Governments, and the Resolution on educational policy and certain other major matters; and the section dealing with police affairs has been treated in a similar way.]—W. S. M.

PART I.

GENERAL REVIEW.

The criticism has been levelled at the present administration by a native newspaper that it has sought after 'nothing but efficiency.' The phrase which was intended as a reproach Lord Curzon's Government may well be content to adopt as correctly summing up the policy which they have consistently pursued in respect of public business throughout India. Administrative reform was the one object which was unanimously pressed upon the attention of the Governor General by every public body and society which addressed him on his arrival in India in 1899: and to a policy of administrative reform, though not to the exclusion of other and equally important objects, the Government of India have during the past seven years consistently adhered. For in their view, efficiency of administration is a synonym for the contentment of the governed: it is the one means of affecting the people in their homes, and of adding, though it be only in a small degree, to the happiness of the masses. It would hardly be possible, for instance, to name three measures which more directly and immediately affect the well-being of the smallest cultivator or the humblest labourer in India than the improvement of primary education, the reform of police investigations, and the simplification and expediting of the procedure of the civil courts of law: yet each of these measures will be shown in turn to be but part and parcel of a far-reaching scheme of reform. The period, in brief, has been a time of reconstruction and improvement. But apart from the question of the end in view, a word is necessary to explain the lines on which it has been pursued. The policy of the past septennium has been as candid as it has been courageous. In all their large reforms it has been the endeavour of the Government to carry public opinion with them. They have never desired to conceal their intentions or their decisions. Whenever possible the fullest discussion has been invited before their resolution was taken: and in particular cases—such as the Universities and Police Commissions—special endeavour has been made to ascertain the tenour of all shades of opinion. If the matter was one in which the higher considerations constrained them to act, irrespectively of current opinion, they have made no mystery of the fact, but have defined their position in unmistakable terms.

The working power of the administrative machine can be increased in two ways. In the first place the quality of the actual parts can be improved: in the second place friction and waste can be diminished by a proper adjustment of means to ends. The structural and the functional amendments are equally important; and the main lines on which each has proceeded will in turn be described.

2. Experience shows that the pay of a service is roughly the measure of its quality. Judged by this test there is hardly a public department or office throughout India the standard of which has not been in some measure raised during the past seven years. The case of heads of provinces at the one extreme and that of the peons and *daftaris* of the secretariat offices at the other equally illustrate a common principle. Wherever there were reasonable grounds for believing that the existing emoluments of an office were not commensurate with its duties and responsibilities, or were insufficient to attract a suitable and efficient type of officer, the Government of India have

not hesitated to increase them. The improvements effected in the judicial services will be described hereafter. On the executive side the pay of officers in all the non-regulation Commissions has been raised; the prospects of the provincial service in nearly all provinces have been improved; and the relief has in some cases been already extended also to the subordinate executive cadres. Nor has the process been confined to officers of the general administrative staff. Other departments have shared or are sharing in the common benefit. At the instance of Lord Curzon's Government the terms of service of ecclesiastical officers have been improved; the educational services in all provinces have been granted better prospects; and far-reaching proposals for the benefit of both the medical and the police departments throughout India have been carried through. Even the clerical establishments in Government offices have obtained substantial privileges in respect of the gazetting of certain appointments, the abolition of fining, easier leave rules, the secured enjoyment of holidays, and the fixing of a minimum rate of pay.

Second only to actual pay in its influence in securing an officer's position is the question of his pensionary prospects and the provision for his family. Lord Curzon's Government have secured a more liberal scale of invalid pensions for Indian civilians; and they have made provision for the grant of compassionate gratuities to the families of deceased officers in exceptional and deserving cases. A provident fund has been instituted for the benefit of the police service and the question of making similar provision in other cases is at present under consideration.

Organic changes.

3. Efficiency requires, however, that not only shall the position of the individual be secured, but that the working strength and disposition of the service shall be properly adjusted with regard to the amount and nature of the work to be done. The moral and material progress of India is continuously adding to the total volume of public business. In ordinary cases provision can be made to meet this increase by mere additions to the existing staff, such as those which have been made during the past seven years, notably in the case of the judicial and educational services, and such as are now being effected in the case of the police department. These transactions will be narrated in their appropriate chapters, and call for no further exposition here. But in other instances the causes operating are too complex for such a simple remedy. Organic changes, territorial or departmental, become necessary; and reference will be briefly made to those recently effected which best illustrate the policy pursued.

N.-W. F. Province.

4. The impossibility of dealing effectively with frontier problems at second hand led in 1901 to the constitution of the new North-West Frontier Province and the assumption of its direct control by the Government of India. The measure is one pertaining essentially to the Foreign Department and needs mention here only in illustration of the readiness which the Government of India have shown to adapt administrative means to ends. The creation of the new administration has been justified by its results: for by substituting direct, decisive and expeditious methods for vacillation, divided authority, and delay it has not only given unprecedented tranquillity to the north-west frontier territories of India, but has immeasurably strengthened the Government in the presence of ultimate political contingencies. The decision may indeed be regarded with satisfaction as the effective solution of a problem which had baffled successive Governments for twenty-five years.

5. The overgrown territories and population of Bengal, again, had long imposed upon the local Government a burden which was incompatible with the attainment of a satisfactory standard of administration: and side by side with this condition of things the Government of India found that the legitimate development of Assam was being hampered by the unsatisfactory system which left that province dependent on Bengal for its supply of officers. These considerations led Lord Curzon's Government, after patient examination of many other expedients, to decide upon a sweeping readjustment of territorial boundaries, involving the transfer of a large portion of Eastern Bengal to Assam and the elevation of the latter province into a Lieutenant-Governorship, with a Board of Revenue and separate Commission of its own and in fact all the apparatus of a highly organized administration.^a The scheme has aroused much opposition which has its root in sentiments and associations which the Government of India have no wish to ignore. But in so far as the Bengali sentiment of national unity is a genuine growth springing from the common bond of race, religion and language, there need be no fear that a mere adjustment of administrative boundaries will impede its development. Vitality of national sentiment should be as independent of provincial demarcations as trade has been declared to be by the best judges of commercial conditions in India. But even if this is not so, it may be said that when old associations are severed, new ones almost immediately take their place, growing with a rapidity which soon invests them with a sanctity not inferior to those which they have superseded. The Government are encouraged to hope that in the present instance the new province will acquire a solidarity equal to that of older territories and assert with them a common claim to provincial unity. When this result ensues the inhabitants of the transferred areas will be no whit the poorer than they have hitherto been; and they will otherwise be immeasurably the gainers by coming under a new and vigorous Government which is in a position to enforce a reasonably high level of administration. In any case the Government with whom the decision of such problems rests are constrained to regard them from a wider standpoint than that of purely local, and probably transient, considerations. They are bound to keep in view the interests of the Government and of the people as a whole. The large reform which Lord Curzon's Government have recently carried to completion has been inspired by the conviction that no measure short of it would enable Bengal and Assam, which include some of the most densely populated, wealthiest and most fertile areas in India, to advance upon the career of administrative improvement and commercial and industrial expansion which under proper control should lie before them in the future.

Partit'on of Benga'.

6. To take a further illustration, the commercial and industrial development of India has brought her continuously into nearer touch with European countries by whose standards she is being judged and to whose ideas of efficiency she is expected to conform. The Government who have deliberately accepted the responsibility for bringing India up to Western levels of development, are concerned to see that she is properly equipped to take her new place among the nations. In all matters demanding expert knowledge—financial, commercial or scientific—they can no longer content themselves with the unauthoritative and intermittent advice of unspecialised departments. Such were the considerations which determined Lord Curzon's Government to constitute a new Department of

New Department
and officers.

(a) H. D. resn. no. 2491, d. July 19, 1905 (1.).

Commerce and Industry, which should handle mercantile problems and interests with appropriate knowledge, and simultaneously to place the railways of India under an expert Board of control.^a To give effect to this determination parliamentary legislation was necessary, but the difficulties of securing this were not long suffered to stand in the way of a scheme which had the universal approval of all classes of public opinion in India. The necessary Statute was passed in September 1904, and shortly after Lord Curzon's return to India the new Department was formally constituted under the charge of the Hon'ble Mr. Hewett, whose familiarity with commercial problems and great practical acumen rendered him conspicuously the fittest member of the public service in India for the new Membership. It took over from the Home, Finance, Revenue and Public Works Departments the control of all heads of business with which mercantile interests were connected.^b The record of the new Department since its constitution is being separately written. Here it need only be said that it has abundantly vindicated its creation by manifesting a sympathy with commercial interests and a knowledge of commercial problems which could not be expected of departments whose energies were largely absorbed in the details of ordinary administrative business. Similarly, the growth of a trade in explosives, petroleum, and other dangerous illuminants and the necessity of reconciling its legitimate requirements with the precautions and restrictions demanded by considerations of the public safety led the Government of Lord Curzon to appoint an expert adviser in explosive matters. The necessity for a closer supervision of cantonment administration, especially on its executive side, prompted them to decide on the appointment of an Inspecting Officer of Cantonments. Their appointment of a Director-General of Education, of a Director of Criminal Intelligence, and of a separate Sanitary Commissioner—or in other words their selection of special officers to advise them in the important matters of education, police and sanitation—are described at length in subsequent sections of this review, but may also be mentioned here as illustrations of the same broad line of policy; and examples might be further multiplied if the present summary were not concerned solely with the action of Government in a single department. The Government have in short consistently aimed at providing new agencies to deal with new developments and new needs. Enough has, however, been already said to show how thoroughly the structure of the administrative organism has been overhauled and strengthened during the past seven years.

Employment of
natives.

7. The complaint has made itself heard that in its anxiety to obtain the best services available, the Government has overlooked the legitimate claims to employment of natives of India. In January 1904 Lord Curzon's Government undertook a comprehensive inquiry into the history of all past appointments with the object of ascertaining how far this suggestion was well-founded. Figures were compiled for a past period of 36 years, and tabulated by grades, departments and provinces. The results were summed up in His Excellency's speech in the budget debate of March 30, 1904. The principles regulating the situation, said Lord Curzon, were two in number. The highest ranks of civil employment, though open to such Indians as could proceed to England and pass the necessary tests, must nevertheless as a general rule be held by Englishmen, for the reason that they possess by heredity, up-bringing and education, the knowledge, habits and character which are essential to the task. But outside this *corps d'élite* the Government would, as far as was possible and as the im-

(^a) H. D. despatch no. 61, d. Oct. 1, 1903. (2)

(^b) H. D. resn. no. 539-69, d. Mar. 1, 1905. (3.)

proving standards of education and morals permitted, employ the inhabitants of the country, both because its policy is to restrict rather than to extend European agency and because it is desirable to enlist the best native intelligence and character in the service of the State. This principle is qualified only by the fact that in certain special departments, where scientific or technical knowledge is required or where there is a call for the exercise of particular responsibility, it is necessary to maintain a strong European admixture or sometimes even a European preponderance. The Governor General then reviewed the figures relating to the number of posts, the proportion of posts and the average of pay in all grades and showed that whatever standard was applied the results were the same. There had been a progressive increase in native employment and a progressive decline in European employment : the principles which Government had set itself to follow in theory had been abundantly vindicated in practice : the responsibilities and privileges of office had been shared between class and class with an impartiality unknown to foreign Governments elsewhere : and the charge of abuse of patronage was conclusively refuted.^a

8. Between the natives of India on the one hand and the European official Eurasian community, and commercial residents on the other stands a community whose claims and prospects have occupied much of the attention of Lord Curzon's Government. Personal sympathy and political interest alike must render the problem of the future of the Eurasian population a matter of deep concern to any responsible administration. During the past seven years the Government of India have given practical evidence of their sympathetic attitude towards the mixed community by proposing the experimental raising of a Eurasian regiment in India and by encouraging the appointment of Eurasians in the various branches of the railway administration. These proceedings belong properly to the history of other Departments. As regards the matters which are the concern of the Home Department, the domiciled community asked for the reservation of a certain number of appointments in the public service, the promotion of technical education, and the institution of hill schools for colonization purposes. These questions were effectively dealt with in the reply given by Lord Curzon to a deputation which addressed him in March 1900. His Excellency pointed out that the Government had already indicated its friendly intentions towards the Eurasian body. The appointments already reserved for or open to Eurasians in the public service had not been properly taken advantage of : and there were other suitable openings in the capacity of short-hand writers, mechanics, bandmasters, factory overseers and the like of which the community were slow to avail themselves. But while existing means of employment were not taken advantage of, the State could not undertake to provide new ones for the benefit of a particular class ; and instead of petitioning Government for extraordinary indulgences the community should give practical proof that they were willing and competent to bear their full share in the work-a-day competition of modern life. If, however, the present Government have been constrained to withhold the particular indulgences which were sought at their hands, they have taken every opportunity of giving assistance in more legitimate, if in more indirect, ways. Satisfied that there exists an assured field of employment for qualified Eurasian candidates, their aim has been to make the task of qualification easy. The most conspicuous illustration of this endeavour is afforded by the help given to European schools throughout India generally and the extraordinary measures of assistance extended to particular schools which would have collapsed with-

out it. And in striving to give to technical education throughout India a vigorous and healthy existence the Government hope to have opened up a new field of occupation in which many members of the domiciled community can, if they choose, find suitable careers.

Functional reforms.

9. It remains to consider the means which have been adopted to facilitate the working of the administrative machine, apart from improvements in its structure. A short experience of the methods of public business in this country convinced Lord Curzon that valuable time and energy were wasted not only at head-quarters but throughout the empire at large in voluminous and unnecessary writing. On the one hand the length of the discussions which were tolerated, if not positively approved, in the offices of Government resulted in deplorable delay in the conduct of public affairs. On the other hand executive officers throughout India were expected to furnish reports and returns of inordinate frequency and length which kept them writing in their offices to the detriment of far more important duties.

Secretariat reform.

10. Reform properly begins at home; and before approaching the wider problem Lord Curzon addressed himself to the question of revising the traditional procedure of the offices of the Government of India. He found in the departments excessive writing, unjustifiable repetition, unbusiness-like procedure, and avoidable delay. The system had grown up by stealth and every one who approached it became its half unconscious victim. The first step was to study its growth and causes: the next was to compare it with the system of the best Government offices in England: and the third was by consultation with the officers responsible for its working to ascertain where the pruning knife could be most effectively applied. Accordingly after four months' experience of the system of secretariat noting the Governor General prepared a memorandum exposing its worst abuses.* This was considered at a meeting of Members and Secretaries and finally took shape in a revised issue of the Secretariat Instructions. These are confidential orders defining such matters of procedure, common to all departments, as lie outside the scope of the statutory Rules of Business; and for their due observance the departmental Secretaries are responsible to the Governor General. Briefly summarised the main objects of the revision were to stop interminable discussions in writing between departments, especially of a controversial character, to encourage oral consultations, to abolish the repetition of remarks within the department, to reduce the number of notes to the necessary minimum, to prohibit idle paraphrasing or *précis*, to facilitate the handling of papers by better arrangement and other mechanical devices, to reduce the bulk of recorded proceedings by excising all matter unworthy of permanent record and to devise an efficient system of checks upon delays in correspondence.

The evil of unnecessary writing is one that requires constant vigilance for its repression. Clerical establishments do not part easily with traditional methods; they are largely recruited from classes which have an innate tendency to prolixity and verbiage and which dislike the mental exertion of the effort to secure conciseness. But so far as the superior staff is concerned the objects of the reform have been fully appreciated, and they have co-operated loyally in carrying it out. The extent of the general benefit will be understood by any one who compares the bulk of the recorded proceedings of the Government of India today with those of a past decade, and who measures the periods of time

elapsing then and now between the inception and the closing of discussions of similar complexity and magnitude.

Lord Curzon's memorandum and the revised Instructions were also forwarded to local Governments with the request that the reforms which they embodied might as far as was compatible with local conditions be applied throughout India.^a All local Governments have in greater or less degree adopted similar improvements.

11. At the beginning of 1900 the Government of Lord Curzon proceeded to the wider reform. For a just appreciation of the difficulties of the problem certain considerations must be borne in mind. It is inevitable that public affairs in India should be transacted, to a far greater extent than in Western countries, through the medium of writing. Distances and the comparative lack of communications make it impossible to resort to personal conference to the same extent as elsewhere ; and the frequent changes of individual officers which administrative conditions entail render it imperative that the central authority shall receive regular and connected information upon all matters that are the concern of Government. At the same time the system of report-writing is instinct with the germs of serious abuse. When there is much to say a full report is necessarily lengthy. But the distinction between the essential and the accidental characteristic is easily obscured ; and the feeling that work is judged by the written word begets a tendency to write at length when there is little to say, for no better reason than that previous reports were long. A competition in prolixity is thus encouraged. On the other hand, incidental and occasional inquiry from higher authority leads to the perpetuation of reports or information which were required for merely temporary needs. The reporting officer prefers to go on supplying them rather than to risk the imputation of remissness ; and the recipient fails to observe that unnecessary labour is being expended. It is thus no exaggeration to say that the system of report-writing which prevailed five years ago in India was at once the most perfect and the most pernicious in the world—the most perfect in its orderly marshalling of facts and figures, and in the vast range of its operation : the most pernicious in the remorseless consumption of time, not to mention print and paper, which it involved, and in its stifling repression of independence of thought or judgment. In the deliberate conviction that the efficiency of the administration was gravely menaced, owing to the time of civil officers being occupied in writing to an extent that was detrimental to their more important concerns, the Government of Lord Curzon addressed themselves to the problem afresh and made an exhaustive examination of the reports received with a view to ascertaining how far they could be reduced or abolished. Previous orders upon the subject had failed in their aim partly because they had enunciated general principles instead of also pointing out defects in practice ; and the Government of India determined on this occasion not to content themselves with expressing general views, which are applauded and speedily forgotten, but to supplement these with definite illustrations of existing errors and precise directions for future guidance. In a Resolution of February 25, 1901, they proceeded to lay down the following main principles :—(i) reports should contain only the explanation of really important or suggestive variations in statistics, and the statement of really noteworthy facts in the history of the year's administration ; (ii) no mere

Curtailement of reports.

(a) *H. D. letters nos. 1563—72, d. July 17, 1899. (6)*

paraphrasing or reproduction of statistics should be allowed; (iii) all attempts to offer explanations of variations in the figures, which are not important or unusual, should be excluded, unless the fact alleged in explanation is in itself important enough to demand mention; and (iv) the idea that it is necessary to say something should be discarded. It should be recognised that the briefer a report is the better, if it says all that need be said to show an intelligent comprehension of the meaning of the facts and figures and of the salient features of the year's work. These observations were applied by the Government of India equally to the reviews of local Governments and Administrations. Such documents should, they said, be strictly limited to comment on or criticism of the general results, so far as comment or criticism is required, or to directions arising out of some statement of fact or opinion which seems to require notice by the local Government. If a précis or summary of the report is made for the convenience of the head of the provincial Government, it is not necessary that it should be published.

These broad principles were supplemented by definite directions to the effect that a maximum limit should be prescribed and adhered to in the case of each report: that formal intermediate reviews should be suppressed: that statistics should not be allowed to intrude upon the body of the report: and that no unauthorised additions should be made to the prescribed statistics. Maps should be placed at the end or beginning of a volume, and both maps and diagrams should be few in number: statistics should as a rule be vertically printed: blank tables should be excluded: figures for previous years should be given in totals and not in detail: cross references should be marginally noted: reports should be printed in solid pica: and punctuality of submission should be rigidly exacted. Local Governments were further invited to place on special duty a selected officer for the purpose of cutting down provincial reports and correspondence, and were instructed to report fully the action taken upon this suggestion.^a Finally, after issue of these general instructions, the Government of India addressed every local Government upon the defects in the several reports which it submitted, adding exact directions as to the amendments and curtailment required. Each local Government has since been pursuing the inquiry on the lines indicated with satisfactory results. In Madras much had been already done in the direction desired as the result of investigations made by Mr. Meyer; and in the United Provinces the special officer, the late Mr. Impey, submitted a particularly thorough and valuable report. It has been objected that these reforms will be as ephemeral in their operation as previous attempts, and that changes of personality render it impossible to secure continuity of plan. These are counsels of despondency which the Government of India are unable to accept. There is no reason, they consider, why a good practice, once given a fair start, should not be as enduring as a bad practice. With no small trouble and labour they have secured the co-operation of all officers of Government in initiating reforms: and it is to the interest of every local Administration to ensure that these shall endure. For the present, at all events, the results of the action taken are encouraging. From an examination of the reports which reached the Government of India in 1902 it appeared that its effect has been to reduce the total numbers of obligatory reports to Government from nearly 1,300 to a little over 1,000. But the difference in their contents was more noticeable still. The volume of narrative matter had been reduced from 18,000 pages to 8,600 pages, that of statistical

(a) *H. D. resn.* nos. 987—1013, d. Feb. 25, 1901. (7)

matter from 17,400 to 11,300 pages, and the total volume of the reports from 35,400 to less than 20,000 pages. There was of course some risk that these results had been attained only by sacrificing useful information; and in 1904-05 the various departments severally examined the reports which reached them to see if they had suffered in quality from the curtailment. In the case of the reports which were received in the Home Department alone the amount of the narratives had been reduced from 7,480 to 3,126 pages and that of the statistics from 9,534 to 5,316 pages, the total volume being thus diminished from 17,000 pages to almost exactly half that number. With the rarest exceptions, which were dealt with individually, it was not found that the reports afforded less information of value than before. The best example of the reformed reports received in the Home Department, as containing the views and conclusions of the reporting officer rather than an indigested accumulation of figures prepared by his clerical assistants, was the annual report of the Sanitary Commissioner with the Government of India. But while the Government of India are glad to find that there has been no deterioration in the quality of the reports, they assert with confidence that the diminution in the amount of writing thus effected has afforded relief to executive officers and released energy for more important branches of work, in a measure which represents a decisive and unmixed gain to the efficiency of the administration.

As a corollary to the main inquiry, Lord Curzon's Government proposed to the Secretary of State to abolish the general administration reports of provinces as not being required for administrative purposes. Lord George Hamilton preferred to maintain the reports as a convenient and useful record of the administrative acts of the provincial Governments and of the character and chief events of the year; but he agreed to the alternative proposal that their bulk should be materially reduced. In pursuance of this decision the Government of India ordered that all statistical appendices to the report should be abolished, only such information as had previously appeared exclusively in the report being furnished in future in the letter-press or elsewhere. They further directed that the general summary should be compiled in such a manner as to be of interest and value both to officials and to the public, with which object it should be prepared by the head of the Government himself or by a selected officer qualified to write with authority on behalf of Government. Limits of size were also laid down: and formal instructions were issued regarding the arrangement, printing and numbering of the reports.^a

In connection also with the same question stringent orders were issued reducing the mass of advertisements of books and publications which it had gradually become the practice to publish weekly in the *Gazette of India*: and local Governments were invited similarly to reform their provincial gazettes.^b Apart from this, the arrangement and printing of the *Gazette of India* were thoroughly revised, the printed matter being arranged according to subjects and the various subjects being clearly marked off from one another. It was decided that the whole gazette (with the exception of Part VI the type of which is further utilised for legislative purposes) should be printed in small pica and (with the exception of Parts IV and V) should be set up throughout in full measure and not as heretofore partly in double columns.

(a) H. D. letters nos. 3064-72, d. Sep. 30, 1902. (8)

(b) { H. D. letters nos. 4951-61, d. Aug. 24, 1901.
H. D. letters nos. 5493-5502, d. Oct. 9, 1901.
H. D. letter no. 94, d. Jan. 9, 1902.

12. Reasonable continuity of administration is as necessary to good government as a due proportion of leisure for executive work. Nothing is worse for a district than the dislocation resulting from perpetual changes in its administrative head. It is hopeless to expect good administration without continuity, intelligent administration without local knowledge, or popular administration without personal interest. If these considerations apply to government in any country, much more are they true of a country like India where large masses of people are being ruled by a small minority of alien extraction. One of the earliest matters therefore which attracted the consideration of Lord Curzon's Government was the desirability of taking measures to reduce the frequency with which officers were transferred from one charge to another. The origin of the evil lay partly in the leave rules, partly in local systems of official promotion, partly in a preference of the convenience of the individual to the exigencies of the public service. The end in view therefore was to be sought in two ways: partly by a change in the leave regulations, partly by laying down instructions for the guidance of local Governments. The first thing, however, was to amend the leave rules so as to diminish the frequency of short vacancies resulting from officers' departure on three months' privilege leave. In September 1899, after the personal views of the heads of local Governments had been privately ascertained by the Governor General, the Government of India suggested that accumulated privilege leave of three months should be obtainable only as the first three months' period of not less than six months' furlough or special leave; that furlough (except on medical certificate) should be granted up to eighteen months only; and that furlough should be admissible for the first time after four, instead of after eight, years' service.* The opinions received from local Governments led the Government of India materially to modify these proposals, and as a result of a further exhaustive discussion it was decided with the Secretary of State's sanction to allow the combination of privilege leave and furlough of the various kinds; to require an interval of eighteen months to intervene between privilege leave of over six weeks in duration taken by itself and ordinary furlough; to limit any combination of privilege leave and furlough to a maximum of two years, and any combination of privilege leave and special leave to a maximum of six months; to limit any combination of leave to a minimum of six months; and to allow officers to whom privilege leave is inadmissible to combine vacation with long leave on the same conditions as those on which other officers are permitted to combine privilege leave.

In their Resolution of January 25, 1901, which announced the foregoing changes, Lord Curzon's Government also laid down certain general principles in respect of leave, transfers and appointments. They enjoined local Governments so to regulate the amount of leave granted to officers as to involve the minimum of change in administrative arrangements: to permit transfers at the personal request of officers only when it is certain that the public interests will not suffer: to avoid too rigid an adherence to the principle of appointment by seniority: and to observe as far as possible the rule that vacancies of duration not exceeding six weeks shall be filled by an officer serving in the same district, and to report all cases in which this rule is not observed. They anticipated that these measures would substantially reduce the number of transfers on account of vacancies due to privilege leave, and that by the growth among the senior services of a practice of taking combined leave the vacancies in important offices would gradually cease to be for less than six months.

(a) *H. D. letters nos. 2137-46, d. Sep. 19, 1899.* (9) | (b) *H. D. resn. nos. 224-40, d. Jan. 25, 1901.* (10)

Similar changes were subsequently made in respect of departments having special leave rules of their own. At the same time the Government of India took up independently the cases of particular presidencies or provinces, where a bad system called for special treatment; and issued general rules, applicable to all, as to the conditions under which district posts should in future be held.

The only means which the Government of India have of judging directly of the effect of these changes is afforded by the reports which are made to them of transfers necessitated by the occurrence of vacancies not exceeding six weeks in duration. The infrequency of such reports confirms the Government of India in the opinion, to which their personal observation has otherwise led them, that the reforms effected have been largely successful in attaining the end in view. A practice is growing up of taking combined leave in preference to any other, and the frequency of transfers, with their attendant evils of dislocation, is being proportionately diminished. Officers are left longer in particular districts or other local appointments, and are thus given time to establish relations of knowledge and confidence with the population committed to their care, and to exercise in fuller measure than was hitherto possible that personal and unofficial influence which mainly inspires the vitality of British rule in India. Anticipating these results in his budget speech of March 27, 1901, Lord Curzon observed that an administrator who in his time can feel that he has done something to draw closer together the ties between the rulers and the ruled in India, and to produce the sympathy that can only result from mutual knowledge, can enjoy the consciousness that he has not altogether failed. It is a further matter for satisfaction that such results have been attained without detracting from the privileges of the services. The changes have been cordially appreciated, and the new rules are more popular than the old.

13. On the judicial side the main objects of the administration have been to ^{Judicial.} secure a contented and efficient judiciary, and to check delays in litigation. In furtherance of these aims new courts have been called into existence, and existing courts have been strengthened wherever necessary. In Lower Burma the cumbrous and obsolete arrangement which gave jurisdiction to a Recorder, a Judicial Commissioner and a High Court has been replaced by the compact and convenient organization of a Chief Court. In the Calcutta High Court two judges, one on the original and one on the appellate side, have been added for the time being to enable arrears to be reduced; and other organic reforms have been made in the arrangements of the Court. In Oudh, after long experience of the unsatisfactory character of temporary makeshifts and exhaustive examination of other expedients, a third judge has been added to the Judicial Commissioner's court. In the Punjab, where serious arrears had been permitted to accrue, Lord Curzon's Government have secured the sanction of the Secretary of State to the appointment of no less than four additional judges of the Chief Court, in the conviction that an extraordinary measure of this character was required by the circumstances, and that any more partial measures would only have the effect of deferring relief unduly. In the case of Sind, where the commercial community has long been dissatisfied with the Sadr Court, the Government of India have deferred to the repeated representations of the local authorities and of the Bombay Government and have assented to a scheme for the enlargement of the court by the incorporation of two other judges. The Judicial Commissioner's court at Nagpur also has been enlarged, first in 1902 by the appointment of a second judge, and then in 1904, on the amalgamation

with Berar, by the addition of the judicial commissioner for Berar as a third judge of the court. This policy of strengthening tribunals where necessary to cope with increasing work has not, of course, been confined to the highest courts. In Lower Burma and Berar the entire judiciary has been reorganized; and elsewhere additional appointments, whether as judges, assistant or subordinate judges or munsifs, have been created, wherever the Government of India judged that a cause was made out.

Much has been done too to improve the pay and prospects of judicial officers, who in many provinces had been allowed to derive the baseless impression that they were a service of less concern and importance in the eyes of Government than their brother officers on the executive side. The pay of High Court judges has been raised to Rs. 4,000; and they have been permitted to earn a full pension by a service of $11\frac{1}{2}$ years in the Court. District judges have been permitted to take a vacation without prejudice to their regular leave, and High Court judges have been allowed to add vacation to combined leave. In Bombay and in Bengal a complete regrading of district and sessions judges has been effected: in Madras also a scheme has been prepared and only awaits the completion by the local Government of certain subsidiary proposals in the United Provinces a grade of assistant judges has been added: in the Punjab the pay of district judges has been raised: and in several provinces similar improvements have been carried through the provincial and subordinate judicial services. Upon the difficult question of dividing executive from judicial functions a formal pronouncement has been withheld; but meanwhile not a little has inobtrusively been done in this direction, especially in the comparatively backward provinces, such as Burma, the Central Provinces and Berar. There has been a steady tendency to divest commissioners and deputy and assistant commissioners and tahsildars of judicial duties and to make these over to a separately organized service.

Delays in litigation of course frequently accrue from many causes other than the burden of work, and though the Government have freely given assistance where they thought it due, they have been careful to insist on the application of other remedies when these seemed called for. The most effective remedy is inspection by superior authority, and in Bengal where the subordinate judiciary were probably more in need of supervision than elsewhere, Lord Curzon's Government have twice arranged for their close inspection during the cold weather by a judge of the High Court. The overhauling of the Calcutta police courts in 1903 was a measure of similar advantage.

Another direction in which Lord Curzon's Government were prepared to insist on reform was in a reduction of what they regarded as the exaggerated number of judicial holidays, especially those taken by the High Courts. But in this proposal the Secretary of State failed to support them and the matter dropped. The executive Government in India is confronted with enormous difficulties in any attempt to compel the chartered High Courts to adopt reforms. Reasons of sentiment and historical associations, dim recollections of bygone controversies, and a vague and indefinite, but none the less a powerful and probably sincere conviction that their civic dignity if not their personal liberties are threatened by any interference with the chartered judiciary, invariably enlist the sympathies of the European population of the presidency towns on the side of the courts and against the Government in such discussions. Yet it is with the supreme Government that the ultimate responsibility rests, nor

can they possibly remain indifferent if the chartered courts appear to be discharging their high duties inadequately. The Government of Lord Curzon, who feel that the source of the mischief is mainly to be sought in the character of some of the appointments made from England, have been content to bring about a reduction of arrears and certain important improvements of procedure without pushing matters to a final issue. It is possible, however, that at no distant date it may become necessary to assemble an authoritative Commission to deal with the practices and procedure of some of the High Courts in India. Meanwhile, something has been gained by the fact that the law officers at home have recently endorsed the view which the Government of India have always taken of their own competence to legislate effectively for such matters.

One of the largest tasks which Lord Curzon's Government have assumed in connection with the administration of justice in this country has been the simplification of the confused and elaborate procedure of the civil courts by a revision of the now obsolete Code of Civil Procedure. No reform will affect a larger number of persons than this. All classes of the community are vitally interested in securing an expeditious, decisive and economical settlement of their cases in the courts. The main objects of the revision are to facilitate the service of process, to abolish an obsolete and ineffective procedure for the execution of decrees, and to restrict the overgrown right of further appeal. The immense difficulties of the subject and the progress so far made towards the realization of these ends are illustrated further in Chap. XI, para. 53 of Part II.

The matters already reviewed constitute a programme of constructive reform of no small moment. But there is one question of a judicial character which in public interest, and possibly also in political importance, overshadows them all.

14. No aspect of the administration has attracted more interest, or, it may be added, has aroused more mistaken criticism, than the persistent endeavours which the Government of India have made to see that justice is done equally in cases of collisions between Europeans and natives of India.

At a very early period of Lord Curzon's administration the Government were forced to the conclusion that the number of violent collisions between Europeans and natives was increasing with alarming rapidity. There was also on the part of the European population a tendency to palliate rather than to expose and to punish such offences, which found expression in the attitude of officers, the tone of newspapers, and the verdicts of jury. The Government have never ignored the sentiment of racial prejudice from which such tendencies spring; they realise that under the conditions of British rule in India violent incidents must occasionally occur, and that English opinion will tend to side with European offenders. But they hold it to be their duty to arrest these dangerous systems; to insist on adequate punishment wherever deserved; to compel a higher standard of duty towards native fellow-subjects, and conspicuously to identify Government with even-handed justice. They have noted how the growing temper which acts of violence have excited in the native of India manifests itself at times in similar outbursts alike in the tea-gardens of Assam, the jute-mills of Calcutta, and the villages surrounding northern India cantonments which are visited by shooting-parties of British soldiers: and they apprehend that unless the movement is checked, not by crushing the legitimate aspirations of the native, but by controlling the temper of the European, it may eventually reach a pitch when it will boil over in mutiny and rebellion and the English may be in danger of losing their command of India because they have

not learned to command themselves. Such were the general aspects of the problem with which Lord Curzon found his Government confronted.

It will be convenient to discuss separately the action taken under the various stages into which the matter naturally falls: that is to say, the means adopted to remove or mitigate the initial causes of collisions, to ensure that offences are vigorously investigated, and finally to endeavour that as far as might be when the case came before the courts justice should be done.

Shooting rules.

15. Collisions with natives were of more frequent occurrence in the army than elsewhere, not because the British soldier is a worse behaved individual than the British civilian, but because of the numerical superiority of the British army over any other class of white man in India; of the exceptional opportunities for accident afforded by the rules for the grant of shooting passes as they then stood; and of the contemptuous attitude generally entertained towards natives by British soldiers. The cases of violent collisions which occurred between natives and shooting parties showed a lamentable similarity of incident, which renders it unnecessary to multiply illustrative details. A party of soldiers, probably having no intention of aggression or mischief, shoot a peacock or monkey in the vicinity of a village, or trespass upon a shrine or women's bathing place, or offer pollution to a well or sacred object: they are interfered with by the villagers: an altercation ensues in which neither party can speak the other's language; and the dispute culminates in a physical struggle in which the soldiers being outnumbered and desperate use their guns with fatal effect. The case comes into court, and the native witnesses present a discrepant and improbable story of unprovoked aggression which a European jury utterly refuses to credit. The accused are accordingly acquitted: with the result that an offence in which life has been taken goes unpunished and a legacy of bitter ill-will and keen sense of injustice is left, to be a fertile source of similar mischief in the future, if not of graver evil. Such were the outlines of a typical case at Umballa in March 1900 in which two natives were shot. The first thing to be done therefore was to revise the shooting rules. This was effected by a committee appointed in October 1900 under the Military Department, to which the subject of the actual instructions laid down more properly belongs. On the revising committee military and civil elements were equally represented: indeed it may be stated once for all that in dealing with the entire question the civil and the military authorities have been united and have shared responsibility. The committee's report and their revised rules were accepted without demur. The Government of India in the Home Department then directed local Governments to call the attention of all civil officers to the points with which they were concerned. All cases of collision were to be promptly notified to the regimental authorities: information regarding local restrictions upon shooting was to be fully supplied: villagers were to be instructed in the purport of the rules and warned not to molest shooting-parties: and the investigation and trial of cases of dispute was to be entrusted to the assistant superintendent of police and to the district or joint magistrate.^a That these measures were not without effect may be gathered from the statement that whereas in the two years ending with March 1900, 129 collisions had occurred in shooting cases, only 45 such cases have been reported from that date to the present time.

It may be added that the rules underwent formal revision in 1904, and a memorandum prepared by the Director of Ethnography, Mr. H. H. Risley,

(a) *H. D. letter nos. 3473-81, d. Dec. 31, 1900.* (11.)

upon the subject of the religious prejudices and practices of the various sections of the native population was then attached to them, with the object of instructing shooting parties of soldiers as to the particular localities or objects of reverence which they should avoid.

16. In the second place, Lord Curzon's Government addressed themselves to the task of ensuring that offences when committed shall be vigorously pursued. The first essential requirement is that the Government shall receive prompt intimation of all occurrences of the kind. Under orders passed by Lord Elgin's Government local officers were required to despatch direct to the Government of India duplicates of the telegrams in which they report to their local Governments various matters of administrative importance including collisions between Europeans and natives. These instructions had not been wholly successful in their working and they were open to the objection that they impugned the responsibility of the local authorities. One of the first acts, therefore, of Lord Curzon's Government was to modify the previous orders, and to direct that local Governments should secure prompt reports from local officers and themselves forward the reports to the Government of India by telegram.^a During the years 1899—1901 a great increase took place in the number of assault cases reported and some local officers represented that the orders to report all assaults to Government were of positive effect in increasing the frequency of their occurrence. The Government of India entirely declined to accept this view and resolved to maintain an arrangement which was designed to check a very serious evil. But finding that owing to a needlessly literal interpretation of the orders a number of entirely trivial cases were being reported, they directed both in the civil and the military departments, that alleged assaults which were unconfirmed or assaults of a positively insignificant character need not be reported.^b Subsequent experience showed the importance of this modification, for in 1902 the number of references decreased by nearly three-fourths as compared with the corresponding figures for 1900 and 1901. The purpose in view, namely to secure prompt information of matters that may develop a serious aspect, has thus been attained, while at the same time the rules have been freed from drawbacks which arose from too strict an interpretation in practice. Some misapprehension has manifested itself upon the nature of the action of Government in this matter, and it may therefore be added that the orders to which reference has been made are the only ones in existence.

Reporting.

17. The necessity for closely supervising the procedure in such cases was further illustrated in January 1900, by the case of Private O'Gara of the Royal Scots Fusiliers, who was tried before the Punjab Chief Court for the murder of a punkah-cooly at Peshawar. There was undoubtedly false swearing for the defence and the jury acquitted the accused. This miscarriage of justice was largely due to various shortcomings in the handling of the case. The Government determined to put the investigation of such occurrences on a proper footing. They directed that all cases in which there was reason to suspect that a native had met his death at the hands of a British soldier should be investigated by a European magistrate or European gazetted police officer : that the magisterial enquiry should be entrusted to none but an experienced European magistrate : that the *post-mortem* examination should be made by the

O'Gara case.

(a) H. D. letter nos. 248—57, d. Jan. 31, 1899. (12.)

(b) H. D. letter no. 5992, d. Nov. 7, 1901. (13.)

civil surgeon in person : that the assistance of the military officers should be sought for the purpose of instituting immediate and full enquiry among the soldiers : and that the prosecution in court should be placed in competent hands."

So far as general instructions could avail, these orders made provision against a failure of justice. Unhappily there occurred frequent cases which convinced the Government of India that they had to reckon also with a strong disinclination on the part of local officers to press inquiry home, which could only be surmounted by the exercise of close supervision over the proceedings in individual cases. Some of these occurrences are of sufficient importance to require detailed notice.

West Kent regi-
ment case.

18. In April 1899, an abominable outrage was committed by some men of the Royal West Kent regiment upon a Burmese woman in the neighbourhood of Rangoon. The offence was witnessed by a sufficient number of persons to leave no practical doubt as to its main particulars ; but, as the acquittal of the first man placed upon his trial showed, the civil evidence of identification taken by itself was from the first insufficient, and the only hope of bringing to justice the actual offenders lay in securing through the regimental officers evidence from among the soldiers themselves. A court of inquiry was held at which certain admissions were elicited. The proceedings were not shown to the police, but under the orders of the Government of India their substance was communicated to the civil authorities. Eventually two other soldiers of the regiment were placed upon their trial. In the first case, however, the evidence of officers of the regiment was put forward to show that the admissions on which the prosecution relied had been obtained by inducements which rendered them inadmissible : the case practically went to a jury on the unsubstantiated statement of an approver and ended in acquittal. In the second case, the accused's admission was actually before the jury ; but the proceedings again ended in an acquittal owing to what the local Government regarded as a misdirection of law on the Recorder's part. The rider added to their verdict by the jury declared their emphatic belief that men belonging to the West Kent Regiment were guilty of the offence charged, and expressed their regret that evidence was not forthcoming to convict the individual offenders. This conclusion was shared alike by the local Government and the Government of India. Disciplinary notice was taken of the conduct of officers and men of the regiment in orders issued by the Military Department ; and the Government of India then proceeded to deal with the conduct of the civil officers concerned. The deplorable failure of justice which had occurred was, they considered, primarily due to the obstructive action of the regimental officers : but the district superintendent of police had failed in his duty in acquiescing in such obstruction. Moreover both the cantonment magistrate and the district magistrate were, the Government of India thought, led to evade their proper responsibility by an undue anxiety to avoid friction with the military officers, and the divisional commissioner's attitude also was apathetic and inert³. The expression of censure conveyed to the four officers concerned was in substance maintained after further consideration of explanations subsequently submitted by the cantonment magistrate and the commissioner."

9th Lancers case.

19. On the night of April 9, 1902, Atu, a cook in the service of the 9th Lancers regiment which had that day arrived at Sialkot, was severely assaulted

(a) { *H. D. letter no. 983, d. Apr. 17, 1900. (14.)*
H. D. letter nos. 1081-67, d. Apr. 20, 1900. (15.) }

(b) *H. D. letter no. 2503, d. Oct. 24, 1899. (16.)*
(c) *H. D. letter no. 3054, d. Dec. 29, 1899. (17.)*

and received injuries from the effects of which some days later he died. The injured man stated both to the police and to the cantonment magistrate that his assailants were two troopers of the 9th Lancers. The regimental authorities, however, were content to assure themselves on wholly insufficient grounds that none of their men were concerned in the affair, and neglected to make such immediate inquiry as alone could have elicited the truth: on the other hand, the civil police were equally apathetic and did nothing to ensure that such inquiry would be undertaken. When Atu died a formal court of inquiry was held. It was composed of junior officers of the regiment; the proceedings were perfunctory; and no serious attempt was made to ascertain the facts. The further court of inquiry ordered by the Lieutenant-General Commanding recorded fresh evidence but without definite result. On the proceedings reaching them, the Government of India were unable to agree with the Commander-in-Chief that the regimental authorities were free from blame^a. Another fatal assault upon a native had in the meantime been committed by a trooper in the same regiment. Accordingly under the orders of the Commander-in-Chief the matter was further investigated by the General Officer Commanding, and the papers finally came before the Government of India with the opinion of the Lieutenant-General Commanding that the evidence failed to prove that Atu's assailants were soldiers of the 9th Lancers or indeed were soldiers at all. The Government of India entirely declined to accept this conclusion and their decision was subsequently fortified by the information given by the Colonel of the 9th Lancers that the two guilty men were undoubtedly members of the regiment, that they had even confessed to their comrades (though the confession was afterwards repudiated) and that the identity of one of them was scarcely open to doubt. The reply of the Government (in the Military Department) informed the Commander-in-Chief that the officer commanding the regiment should be censured for his failure to take action: that the General Officer Commanding had taken an inadequate view of the offence: and that the Lieutenant-General Commanding had adopted in his letter a line of special pleading of which they utterly disapproved. As regards the regiment itself they left it to the Commander-in-Chief to take the disciplinary action necessary. On the other hand, the Government of India demanded a full explanation from the several civil officers concerned of their conduct in completely abandoning the investigation of the case to the military authorities. After full consideration of the explanations forwarded by the Punjab Government the Government of India considered that the district superintendent of police had essentially failed in his duty to ensure that the case was properly investigated: and that the investigating inspector had shown culpable negligence in not placing at the disposal of the regimental authorities the full information of which he was in possession and in omitting to insist on an examination of the clothes of the men in the barrack indicated by Atu. They found that the district magistrate's action was wanting in judgment, and that the commissioner had failed to ensure that the investigation was pressed home. There was no suggestion that a deliberate attempt had been made on the part of the civil officers to shield the guilty persons; but they all, the Government of India thought, showed in varying degree a negligence or want of vigour that could not be passed over.^b

20. On August 5, 1902, a native forest guard was assaulted by three soldiers of the Lincolnshire regiment who were shooting near Trichinopoly.

Emerson case.

(*) *H. D. letter no. 1897, d. June 19, 1902.* (18)

(b) *H. D. letter no. 3952, d. Dec. 26, 1902.* (19)

According to the guard's statement he tried to prevent the soldiers from shooting in a reserved forest, whereupon one of them shot him in the thigh and a second clubbed him. The three men identified by the guard were placed before the district magistrate who discharged them. The Government of India were not satisfied that his order by any means took into account all the available evidence, and they suggested to the local Government that the High Court should be moved to revise it^a. The High Court dismissed the application in respect of one of the accused and temporarily reserved orders regarding the other two. Meanwhile by the negligence of the command authorities one of the men concerned, Private Emerson, had been allowed to proceed to England on discharge. It appeared to Lord Curzon's Government intolerable that a potential offender should be permitted to elude the legitimate consequences of his conduct through the sheer default of the local authorities, and they suggested that the Advocate General should be consulted as to the advisability of moving the High Court to take action under the Fugitive Offenders Act. The Advocate General advised decidedly that application should be made, and on his application the High Court ordered a warrant to issue. The third accused, Private Lane, had in the meantime been acquitted. In pursuance of the warrant Private Emerson was brought back in custody from England and tried before a jury in the High Court in October 1903. He was unanimously acquitted. The Government of India accordingly approved of his being granted a second-class passage to England and a donation of £30 on arrival there. But that either Private Lane or Private Emerson was guilty did not admit of dispute and was the opinion of the presiding judge himself.

Bain case.

21. In December, 1902, Mr. Bain, the assistant manager of a tea garden in Cachar, was committed for trial by the deputy commissioner on a charge of culpable homicide. He was tried by the sessions judge and a jury of five Europeans, of whom four were planters. It was alleged that Mr. Bain had personally beaten one cooly so severely that he had collapsed and died, and that he had in addition caused two women to be beaten. On the latter charge the jury acquitted him. In respect of the cooly they found him guilty of causing grievous hurt. The sessions court accepted the verdict and imposed a sentence of six months' simple imprisonment. In the absence of the record the Government of India saw no reason to question the accuracy of the finding, but on the account of the facts which was before them they doubted the adequacy of the sentence. They directed the Chief Commissioner to examine the record and if he thought proper to move for an enhancement of sentence^b. The Chief Commissioner was of opinion that the offence demanded a severer penalty, but that, regarded as a deterrent, the sentence was adequate; on general grounds of expediency he was inclined to let matters rest. With the record for the first time before them the Government of India doubted the propriety of the acquittal on the charge of grievous hurt^c. They referred to the Advocate General who advised that the acquittal should be appealed against on the ground of misdirection, and that an enhancement of sentence should in the alternative be applied for. Action was taken accordingly and it was justified by the immediate sequel. A bench of the High Court accepted the application made to them and finding that there had been material misdirection ordered the retrial of the accused on the original charges. The case came then before

(a) H. D. letter no. 3534, d. Nov. 24, 1902. (20)

(b) H. D. letter no. 1697, d. Apr. 28, 1903. (21)

(c) H. D. letter no. 2370, d. June 12, 1903. (22)

a single judge of the High Court (Mr. Justice Sale) who, before even a jury had been empanelled or evidence had been taken, declared that a perusal of the record led him to the conclusion that the charges were unsustainable. In consequence of these remarks the Advocate General entered a *nolle prosequi* and the accused was discharged with the effect of an acquittal. The action of the learned judge came as a surprise to the Government of India. They were advised that not only was the procedure which he adopted seriously open to question from the legal stand-point, but that his decision upon the merits was absolutely opposed to the concurrent opinions of the European jury and the sessions judge in the original case, the Advocate General, and the divisional bench of two judges which had dealt with the application for revision. So far as the actual proceedings against Mr. Bain were concerned nothing remained to be done; but in view of the unusual excitement aroused in certain quarters by the case the Home Member took advantage of the next meeting of the Legislative Council to explain precisely the course which Government had adopted and the reasons for the action taken. Subsequently the Government of India emphatically declined to entertain an application made to them to the effect that they should compensate Mr. Bain.

22. But the difficulty of ensuring that Europeans who commit offences against the persons of natives shall be impartially punished by no means arises solely or even mainly in the earlier stages of the proceedings. Serious as is the imputation involved, the statement that European juries in India have a rooted reluctance to convict persons of their own nationality charged with offences against natives of this country cannot be controverted. It rests on the unimpeachable testimony of high judicial and administrative officers alike, and it is borne out by a long series of cases before the Government of India. In Private O'Gara's case, to which reference has been made, Sir Mackworth Young declared that a lamentable failure of justice occurred. Sir Frederick Fryer characterised Private Johnson's acquittal in the Rangoon case as a most perverse verdict. In 1902 Private O'Sullivan, charged with the murder of a master-tailor in Fort William, was acquitted on a belated plea of insanity, and in 1903 Private Cassidy, charged with the murder of a punkah-cooly at Sialkot, escaped conviction on similar grounds. The jury's finding in the case of Mr. Bain has been already discussed. It is unnecessary to adduce further examples. In 1896 the judges of the Allahabad High Court strongly condemned the existing system of trial by jury and proposed to provide for its revision; but the Government of Lord Elgin were not prepared to consider the suggestion. In 1901 the judges again drew attention to the unsatisfactory results of the jury system and reverted to their earlier proposal. In this the Lieutenant-Governor, Sir Antony MacDonnell, was not prepared to support them, but he suggested that endeavour should be made to improve the jury panel by widening the area of selection of jurors. The Government of India believing that in spite of its occasional abuses and failures the jury system was generally regarded as a guarantee of justice and a palladium of the subject's liberties agreed that no substantial alteration in the law could be contemplated: they foresaw practical difficulties in summoning jurors from a distance, but decided to consult the other local Governments concerned upon the question of enlarging the panel. The Punjab and Burma Governments thought that no alteration was required and the ultimate conclusion of Lord Curzon's Government was

Jury system.

that while a mere extension of the area of choice might infuse a somewhat higher tone into the proceedings of juries, it could not be expected to stem the current of racial prejudice, reprehensible in its origin and sometimes shameful in its manifestations as they believed this to be. The idea of altering the procedure for the summoning of jurors was therefore abandoned^a.

Lyll case.

23. In 1902 the question of the inviolability of jury verdicts in India was again raised, but from the opposite quarter. In December 1901, Mr. Lyall, the manager of a tea garden in Assam, was tried by a jury before the district magistrate on charges of rioting and grievous hurt in connection with an affray in which several coolies undoubtedly received severe injuries. He was acquitted by the jury, but the district magistrate disagreeing with their verdict referred the case to the High Court. The High Court convicted the accused and sentenced him to one month's simple imprisonment and fine. He petitioned the Government of India, but after making a reference to the judges they declined to interfere with the sentence. The European and Anglo-Indian Defence Association thereupon took up the case, and represented strongly that the decision of the judges, who had dealt with the case of Mr. Lyall on the merits and not confined themselves to questions of law, put a new and dangerous construction upon the law relating to trial by jury. They asked that section 307 of the Code of Criminal Procedure might be amended so as to make it clear that jury verdicts were not voidable save in cases of perversity or of unreasonable and manifest error. In reply Lord Curzon's Government reviewed at length the past history of the law, showing that the doctrine on which the judges had acted in reviewing the evidence in the Lyall case independently had long standing and high authority. They held that the High Courts might be fully trusted so to exercise their statutory discretion as not to endanger the liabilities of any class of His Majesty's subjects and they declined to undertake the amendment of the law suggested^b.

Summary of question.

24. The whole question, however, of the administration of justice in cases of collisions between natives and Europeans can be conveniently epitomised by reference to the discussion which took place between the Government of India and the Bengal Chamber of Commerce in the cold weather of 1903-04. The Chamber addressed to the Governor General in Council a temperately worded memorial of which the purport was that at the instance of the Government of India the law had of late been unduly strained to the prejudice of Europeans charged with offences against the persons of natives, and that the intervention of the executive Government had been incompatible with the fair and impartial trial of Europeans so charged^c. In support of this serious allegation reference was made to the cases of the *Crown v. Casey*, *v. Rennick*, *v. Bain*, and *v. Emerson*. It is necessary to notice briefly the circumstances of the two former cases. Casey was a private of the Munster Fusiliers who was tried in September 1903 before the Chief Court, Lahore, on a charge of culpable homicide in respect of the death of a guard boy, Jagu, who had died from the effects of an injury received in barracks. The military authorities, failing to procure evidence but feeling nevertheless assured that the assault on Jagu had certainly been witnessed, ordered the detachment down from Dalhousie to Multan and dismissed the native servants with a warning that they would not be re-employed unless

(a) H. D. letter no 1365, d. Sep. 11, 1902. (24)

(b) H. D. letter no. 1316, d. Sep. 1, 1902. (2b)

(c) Memorial, d. Nov. 13, 1903. (26)

they spoke the truth. In view of these proceedings the judge who heard the case pronounced such evidence as was subsequently forthcoming to be tainted, and Casey was discharged. Lieutenant Rennick was convicted in September 1903 of an assault upon a native house-owner and was fined Rs. 100: at an intermediate stage of the proceedings an offer was made to compound the case, but the accused was forbidden by his military superiors to accept it. In both the Casey and the Rennick cases the local military authorities acted on their own responsibility and the Government of India had no knowledge of what had happened: both cases therefore failed to support in any way the allegation made by the Chamber of Commerce.

The circumstances of Mr. Bain's case have been already narrated. There was no interference on the part of the Government of India with the course of justice. Their action was not merely in consonance with the regular procedure recognised by the law of this country, but it was also no more than the discharge of a necessary duty which their office imposed upon them. The memorial set forth the further charge that "from motives of policy" the Government of India had disregarded the advice of the local Administration. As already stated, the acting Chief Commissioner of Assam agreed that Mr. Bain's offence in itself demanded a severer sentence, but deprecated a reopening of the matter which might excite undesirable discussion. It is impossible, however, for the Supreme Government to accept the proposition that in all cases it is their duty to defer to the views of the local Administration, and this is especially the case when the reasons tendered against further action were reasons of expediency alone. In acting as they did the Government of India were actuated by higher considerations than those of expediency, the paramount obligation to see that justice was done.

The account already given of the case of Private Emerson shows how limited was the intervention of the executive Government. As the learned judge who tried the case himself observed, "the order directing Emerson's committal was made by the High Court after the matter had been argued before it, and for that order the High Court was responsible. Government had no power to order a commitment: they could merely instruct the public prosecutor to move the court, with whom the entire responsibility rested." The action of Government had no other object than to submit to the highest tribunal the simple question whether a person accused of a grave assault, believed to have been committed by the party of which he was a member, should escape trial by the accident of his having left the country. This question the judge answered in the negative.

But Lord Curzon's Government were not content to answer the charges brought against them by merely showing that in the four cases specifically adduced in its support it lacked foundation. They examined the records of the past decade to ascertain whether the use made by Government of its statutory powers of appeal or revision in cases of collisions between Europeans and natives afforded any excuse for the general impression which the memorial echoed; and they showed conclusively that the idea that such powers had been abused to the prejudice of Europeans would not stand examination in the light of the recorded figures. That cases of collisions were now more closely scrutinized than before the Government had no disposition to deny: but vigilance in administration was, they observed, a very different thing from the straining of the law, and the claim that natives shall enjoy no less protection than Euro-

peans is also a very different thing from acting to the prejudice of the latter. The administration of even-handed justice in India is a matter of no small difficulty : it can only be successfully pursued by the exercise of patience and consideration on both sides and by a mutual reluctance to impute unworthy motives. Miscarriages of justice are not infrequent and are condoned only by the general belief that the successes of the law are immeasurably in excess of its failures. But the last thing to promote this confidence would be an endeavour on the part of Government to differentiate on racial grounds. No such attempt was likely to be made by any responsible administration. The Government of India were in a better position to judge of public requirements than any individual class or section of the community. Careful study of the available records satisfied them that there was no justification for the suggestion that the balance of justice had been deflected to the detriment of the European : rather would it be easy to show by publishing the papers that the reverse was the case. From this course the Government of India abstained only in the sincere desire to avoid reviving further controversy."

It may be added that the plainest justification of the policy which the present administration have pursued is presented by the fact that for the past two years no cases have occurred which have called for the active exercise of their powers of supervision.

Police reform.

25. In 1902 Lord Curzon's Government addressed themselves to the large question of reforming the police throughout British India. There had been, they found, a grave increase of serious crime in recent years, and they were constrained to attribute this to defects in detective and preventive methods which were the result of faults of administration and organization. They believed that the service failed to attract natives of the proper stamp and that in consequence European officers were badly served ; that the pay of the native police was too low, and that punishments were too frequent ; that the rural and the regular police failed to co-operate ; that the railway police ought to be improved ; that the organization and pay of district police were unequal ; and that the methods of working the district police could be greatly bettered. In a word, they earnestly desired to raise the standard of almost the only emblem of authority that the majority of the people see, and to free them from petty tyranny and oppression. There were special reasons in favour of the appointment of a Commission to inquire into police matters. There was no subject which so profoundly agitated the native mind throughout India, no branch of the internal administration which was the object of so much criticism and distrust, no matter in which there was a stronger consensus of opinion, European or native, in favour of reform. It was desirable therefore to call public opinion into council and to smooth the course of reform by securing its co-operation. The only alternative was to enter into separate correspondence with local Governments, but the Government of India felt that a discussion so conducted could not possibly result in the homogeneous plan of reform at which they aimed. Accordingly with the approval of the Secretary of State they determined to appoint a strong Commission,⁵ comprising both official and non-official representatives, under the presidency

(a) *H. D. letter no. 71, d. Feb. 1, 1904. (27.)*

(b) *H. D. despatch no. 3, d. Mar. 13, 1902. (28.)*
Desp. no. 16 (Judl.), d. May 30, 1902. (29.)

H. D. resn. no. 510-527, d. July 9, 1902. (30.)

of the Hon'ble Mr. Fraser, then Chief Commissioner of the Central Provinces, with instructions to report upon the following points:—

- (i) whether the organization, training, strength, and pay of the different ranks of the district police were adequate ;
- (ii) whether existing arrangements ensured that crime is fully reported ;
- (iii) whether the system of investigating offences could be improved, and whether the institution of fully organized criminal investigation departments, either Imperial or provincial, was recommended ;
- (iv) whether statistical returns were satisfactorily prepared and appropriately used ;
- (v) whether magisterial supervision, and the control of the superior officers over investigations were adequate to prevent abuses ;
- (vi) whether the organization and operations of the railway police were satisfactory ;
- (vii) whether the career offered to natives was sufficiently attractive ; and, if not, what steps could be taken to remedy the default consistently with the admitted necessity for European control.

To facilitate and expedite inquiry local Governments were requested to appoint small provincial committees consisting of a district magistrate and a district superintendent of police, with whom was associated a senior judge in the larger provinces, to consider in advance these heads of reference and to prepare a statement of the case for the Commission. The European members of the Commission assembled at Simla on October 15, 1902, and, after considering the local statements, proceeded to frame a set of questions covering the main heads of the subject. Copies of these were issued to the witnesses designated by the local Governments, and to a number of persons who came forward voluntarily to give evidence. After examining the replies, the Commission selected for oral examination those persons whose views demanded further elucidation. In the course of their tours the Commission visited all provinces of British India with the exception of Baluchistan ; they held 50 public sittings ; they received replies to their questions from 683 persons ; and they examined orally 279 witnesses. Their sittings were public, and the evidence was published in the newspapers at the time. Their report was signed on May 30, 1903. That they were able within this period to deal exhaustively with so complex and important a subject was due to the judicious manner in which the inquiry was organized.

Before making their proposals for police reform the Commission sketched in broad outline the history of police organization in India, and discussed the reputation in which the police force was at present held. Their remarks on both these points appear to have occasioned the Secretary of State some difficulty in agreeing to the publication of the report. In their anxiety to emphasize the necessity for further reform the Commission did not discuss the inquiries undertaken in 1888 by Lord Lansdowne's Government which led to many improvements in the working of the police. Chapter II of the report moreover contained a strong condemnation of police methods. The investigating staff were there described as dishonest and tyrannical, and all the subordinate ranks were stated to be given to extortion and harassment of the people. The Government of India in forwarding to the Secretary of State copies of the letters which they proposed to address to local Governments and stating the views which they were inclined to take

upon the main issues, pointed out that this view of the police force in general was at least as much a summary of the opinions received by the Commission as a statement of their own conclusions. They referred to the evidence of good work done by the police, and to various considerations which went far to account for the state of things described. They urged that whatever views were taken of the Commission's pronouncement, no good result could follow from withholding it from the public. The report expressed only what was matter of common knowledge; and to suppress it would, they thought, be useless and impolitic.^a The Secretary of State, however, did not accept these views and declined to assent to publication until he should be in possession of the opinion of local Governments.

The Commission's proposals and the conclusions of the Government of India regarding them were communicated to local Governments in April 1904 in a series of twelve letters. The details of the scheme of reform are fully described in Chapter IV of Part II of this book, and only the briefest summary can be attempted here. The Commission proposed to revive the village agency and to enlist its assistance in the suppression and detection of crime: to raise the pay of all ranks of the police from the constable up to the Inspector-General: to forbid investigations by head constables: to institute a provincial police service officered by natives of India: to revise the recruitment and to improve the training of investigating and superior officers: to increase the strength of the force in all provinces: to amend and to render more effective the law relating to the prevention and investigation of crime: to discountenance statistical tests of work: to strengthen the prosecuting agency: to reorganize the presidency police: to ensure co-operation between the railway and district police: to provide a river police where necessary: and to institute central and provincial departments of criminal intelligence for the purpose of dealing with organized or extensive crime. The total expenditure involved in these proposals amounted to no less than 147 lakhs a year. Lord Curzon's Government intimated that they regarded the general lines of the reforms proposed as entirely sound; but that they looked on the details and total of the enormous expenditure entailed as a maximum. Within that maximum they would be prepared, subject to financial exigencies, to incur whatever expense might be necessary in order to secure a reasonably efficient force. But additional expenditure must be closely scrutinized. The Government of India were in the main dependent upon local Governments, who alone knew local conditions, for the performance of such scrutiny: they asked therefore that a proper economy might be kept steadfastly in view. Finally the Government of India reminded provincial Governments that their own opinion as indicated in the separate letters must be taken as subject to the Secretary of State's sanction which would be required on administrative as well as on financial grounds.^b

Criminal Intelligence Department.

26. Without waiting, however, for local Governments to deal with the main scheme of reform, Lord Curzon's Government determined to proceed at once with one chapter of the proposals which was of special emergency. This was the institution of a central office of Criminal Intelligence. In March 1901 the Government of India had proposed to add to the central special branch of the Thagi and Dakaiti Department a small establishment of selected detective agents to be employed in watching political movements and in

(a) *H. D. despatch*, no. 28, d. Nov. 19, 1903. (31.)

(b) *H. D. letter nos.* 250-59, d. Apr. 14, 1904. (32.)

dealing with extensive forms of organized crime.^a The Secretary of State doubted, however, whether the arrangement might not produce friction between the agents of the central branch and the local police, and desired that local Governments should be referred to.^b The matter was then confidentially discussed between the President of the Police Commission and the heads of the several provincial Governments. With the latter the Government of India had been separately in communication upon the question of organizing small provincial establishments of detectives, and their opinions on this matter also were communicated to the President. In a confidential note of April 25, 1903, Sir Andrew Fraser communicated his recommendations to the Government of India regarding the formation of central and provincial departments of criminal intelligence, amplifying the proposals afterwards made by the Commission on these points. The question of provincial establishments was reserved for discussion with local Governments, but with the creation of a central office the Government of India decided to proceed in advance. There were several reasons why this was advisable. For the separate maintenance of the Thagi and Dakaiti Department, which was originally designed to suppress organized crime in native states, no necessity any longer existed. Its abolition, however, involved a revision of the arrangements for collecting secret and political intelligence, functions which had hitherto been discharged by the General Superintendent. Moreover special inquiries into note-forging, coining and the traffic in arms had been set on foot and it was desirable to provide a central agency to direct them without delay. Finally in view of the extensive and difficult problems of police re-organization which were before them, the Government of India were anxious to provide themselves with the counsel of a qualified adviser such as the head of a central department of criminal intelligence would be, precisely as they had done in the case of the educational reforms which are described below, and as they further intended to do in dealing with sanitary reforms. For these reasons they proposed to the Secretary of State the creation of a Central Intelligence Department under a Director, with a Deputy Director and an Assistant Director and two assistant native officers. They explained that the duties of this establishment would be to act in direct communication with the investigation departments established under local Governments: and with their assistance to collate and to disseminate information regarding special forms of crime, such as the operations of organized dacoits working over large areas, forgeries of currency notes, counterfeit coining, professional poisoning, and the like; to collect and compile manuals of information regarding criminal tribes throughout India; and to collect and to test information upon political matters.^c

The Secretary of State sanctioned the two major appointments, but thought it unnecessary to enlarge the department further until local branches should have been reorganized.^d Mr. H. A. Stuart, C.S.I., Inspector-General of Police, Madras, and Secretary to the Police Commission, was appointed Director, and Mr. D. E. McCracken, formerly General Superintendent of the Thagi and Dakaiti Department, was appointed Deputy Director of the new office. In July 1905 Mr. McCracken retired from the service and was succeeded in his appointment by Mr. A. B. Barnard.

27. Meanwhile the main questions of police reform were being steadily worked out. Most of 1904 was occupied in the close examination by local Governments

Commission's
proposals.

(a) H. D. desp. no. 6, d. Mar. 28, 1901. (33.)

(b) Desp. no. 81 (Pub.), d. July 5, 1901. (34.)

(c) F. & C. desp. no. 81, d. Feb. 11, 1903. (35.)

(d) Desp. no. 70 (Pub.); d. Apr. 22, 1904. (36.)

of the many details involved in the Commission's proposals, but in November of that year the Government of India were able to lay before the Secretary of State their views on the more important aspects of the problem. These were the questions affecting the reorganization of the regular police of all provinces and the special establishments of presidency, railway, and river police.^a The Secretary of State's reply reached India in March 1905. With few exceptions, and these of no great moment, he accepted the Government of India's views.^b He demurred to the publication of the report and the decisions upon it until the proposed orders should have been approved by him ;^c but Lord Curzon's Government who were strongly convinced of the impolicy of further delaying publication especially in view of the approaching budget debate of March 29, 1905, pressed the Secretary of State to assent to the papers being forthwith made public and Mr. Brodrick gave way.^d The orders of the Government of India upon the main questions of police reform were announced in a comprehensive resolution of March 21, 1905, with which was published the Commission's report *in extenso*.^e The decisions themselves are stated in Part II of this summary. In passing it may be said that the Government's anticipations of November 1903 were justified and the publication of the report excited no unexpected comment. Local Governments were then directed to submit separate proposition statements for the increases of establishments involved.^f A little later the Government of India disposed of all questions relating to police records and statistics.^g The question of armed and military police which entailed separate correspondence with the Secretary of State was also settled in March 1905.^h As regards the subjects of prevention, reporting, investigation, and prosecution, the Secretary of State's final orders were received in August 1905, and these matters were disposed of so far as executive orders could decide them in November 1905.ⁱ Legislation is however required to complete the reforms in certain aspects. A bill to consolidate the law relating to police organization in India was prepared and sent to local Governments in June 1905.^j A bill to amend the Criminal Procedure Code is also ready. The only portions of the report upon which no decision has yet been formulated are those relating to village police and to criminal tribes. In respect of the former question complete replies have not yet been received ; but those which have reached the Government of India are now being examined. Further information is also required regarding the operations and the past treatment of criminal tribes. This is being collected by the new bureau of criminal intelligence.

Police finance.

§ 8. It remains only to notice the financial aspect of the scheme of reform. The proposals of the Commission involved an additional recurring charge on the revenues of India of nearly a million pounds sterling a year. This amount was somewhat reduced by the Government of India's decisions. The increase recommended by the Commission was divided in the ratio of six to one between the native and the European constituents of the force. Subject to the modifications which will be entailed by the settlement of precise details, it may be said that an additional expenditure of four lakhs will be incurred on the pay of the higher officers ; of eleven lakhs on that of superintendents ; of five lakhs on assistants and of nine lakhs on deputy superintendents. The increases proposed in the

(a) H. D. desp. no. 7, d. Nov 3, 1904. (87)
 (b) Desp. no. 9 (Judl.), Feb. 17, 1905. (33)
 (c) Tel. d. Mar. 16, 1905. (39)
 (d) { H. D. tel. no. 243, d. Mar. 7, 1905. (40.)
 Tel. d. Mar. 20, 1905. (41.)
 (e) H. D. resn. no. 243-259, d. Mar. 21, 1905. (42.)

(f) H. D. letter nos. 232-235, d. Mar. 30, 1905. (43.)
 (g) { H. D. letter nos. 237-238, d. Mar. 31, 1905. (44.)
 { H. D. letter nos. 552-561, d. June 17, 1905. (45.)
 (h) Desp. no. 14 (Judl.), d. Mar. 31, 1905. (46)
 (i) H. D. letter nos. 1112-1120, d. Nov. 8, 1905. (47.)
 (j) H. D. letter nos. 540-49, d. June 14, 1905. (48.)

case of inspectors will cost fifteen lakhs; sergeants, two lakhs; sub-inspectors, forty-five lakhs; head constables, six lakhs and constables, thirty-three lakhs per annum. The total strength of the police establishment in all provinces will be raised from 149,000 to 168,000 men. Expenditure so enormous could of course be incurred only by degrees. But in order to push the most essential measures to completion with the least possible delay, the Government of Lord Curzon allotted between the different local Governments fifty lakhs of rupees in the budget for 1905-06 as a grant-in-aid of the reform of the police. This sum was distributed roughly in proportion to the increase of expenditure proposed in each province, that is to say, in the measure of the comparative needs of each. In determining the order in which reforms should be carried out, the Government of India thought that precedence should be claimed, in view of the urgency of the matter with reference to military necessities, by that part of the scheme which contemplated the strengthening of the armed police reserves. The next object to be provided for was the improvement of the pay of constables, including under this head the abolition of deductions from pay, the introduction of the new minimum rate and the raising of the pay of constables who have served three years to one rupee above the new minimum, the good-conduct allowances at present granted being merged in the increased pay. Third in order of urgency Lord Curzon's Government placed the increase in the number of sub-inspectors and the raising of the pay of the lowest grade of these officers to the approved scale.

Although the effect of these reforms cannot be fully seen for some years, the task of settling them has thus been practically completed. Of all the branches of the public service in India the police, by its history and traditions, is the most backward in its character. Its origin may be traced to the feudal obligation of landowners to maintain the semblance of order on their estates, an obligation which it was usual to discharge by the upkeep of an underpaid and disorderly rabble. The taint of its earliest antecedents still affects the lower ranks; the constable has inherited the reputation, if not the methods, of the barkandaz. The history of the Indian police under British rule is marked by many attempts to introduce better standards of conduct and integrity, and to raise the tone of the force by improving the pay and prospects of its members. The latest of these efforts is represented by the labours of the Commission appointed in 1902. The reforms which they proposed extended to all grades of the police; they left untouched no detail of its organization; and they were planned on a scale more comprehensive than has ever been deemed feasible in the past. The correspondence with local Governments has brought out the remarkable unanimity with which they have received the scheme of reform. There was no recommendation of the first importance which was not accepted by at least a majority of the Governments consulted. The present condition of the public revenues has enabled Lord Curzon's Government to accept the main proposals of the Commission and to provide at once a large proportion of the cost of carrying them out. For the present there is little more to be done. The reconstruction of the police is, indeed, merely a step towards the improvement of the administration of criminal justice in India. Success in that higher aim will depend not only on the qualifications of the force, but even more on the honest co-operation of the people themselves; on the adoption of higher ethical standards; on the diffusion of general education, on the growth of genuine public spirit and most of all perhaps on the decline of faction and the discouragement, by a more courageous public opinion, of the

vicious practice of resorting to the machinery of the criminal courts in order to gratify private animosities. As the popular conscience develops in these directions it may be hoped that the great undertaking, which is now approaching completion, will alleviate evils which affect all classes of society, and will confer upon the people benefits commensurate with the labour devoted to its inception and the immense outlay which its execution will entail.

Jails.

29. The jail department does not perhaps afford the same scope for striking initiative or wide-ranging reforms as some other departments. The general principles of penal treatment in India have indeed long been settled. The perfecting of their application in practice is a laborious process in which progress is attributable to the unobtrusive industry of a service of officers who attract comparatively little public attention. The Government of India have, however, during the past seven years never lost sight of the importance of improving the department as a whole, or of maintaining a just and effective discipline within the prisons. Their main efforts have been directed towards the consolidation and improvement of an expert jails service for the control of the larger prisons, and to an increase in the allowances given to civil surgeons for the irksome and unattractive duty which the charge of the smaller jails imposes on them. In both directions they have been successful. A more liberal scale of allowances has been sanctioned for the superintendents of central jails, while the increase in the pay of civil surgeons throughout India has provided better prospects for the superintendents of district jails. The Government of India have declared their firm adherence to the policy of combining the executive and medical charge of jails in the hands of one and the same officer in the confidence that in no other way can both penal and sanitary efficiency be so well attained. The policy has been justified by its results. In spite of the effects of famine during the earlier part of the septennium, the death-rate in Indian jails has been steadily reduced without any lowering of the rigour of discipline. A record of consistent progress culminated with the returns of 1904 which showed a mortality of under 18 per mille,—the best return recorded since the sanitation of Indian jails first came under observation. This result has only been attained by close attention on the part of medical officers to the improvement of accommodation, water-supply and diet and to the prophylaxis and treatment of malaria, dysentery, tubercle, and pneumonia, the diseases to which the convict population are peculiarly liable. As regards questions of discipline the principal concern of Government has been to scrutinize the disposal of juvenile offenders, to push on the extension of the cubicle system wherever habitual offenders are confined, to supervise the working of the mark system, to check the undue detention of long-sentence prisoners in Indian jails and to cause all Burmese convicts transported to India to be remitted to their own province. The procedure for the transfer and release of prisoners has been improved; and simpler forms for jails statistics have been prepared.

Port Blair.

30. The transportation settlement of Port Blair must be regarded as being at present in somewhat of a transition stage. The system approved by Lord Lansdowne's Government has shown signs of needing modification even before the extensive mechanism required for carrying it out has been completely provided. The aim of Government has hitherto been to hasten the construction of the two main jails in the settlement which must be finished before the disciplinary course approved in 1891 can be put into operation in its entirety.

But the completion of even one of them by convict labour has taxed the resources of the settlement severely, and has seriously delayed other constructive works. Preparations have been made to begin the second or associated jail, but if it is to be built by convict labour only it will occupy the whole available forces of the settlement for another ten years. Meanwhile the present Superintendent has made sweeping proposals for the abolition of transportation as a judicial penalty in favour of imprisonment in India. This suggestion is being carefully examined. Even if Mr. Merk's proposal is not adopted the result of the discussion may be the introduction of other changes in the course of penal discipline originally laid down for convicts in Port Blair. The problem of the settlement is the same as that of Indian jails, *viz.*, how to combine reasonable severity of discipline with sufficient regard for the health of convicts. Owing partly to the impossibility of continuously confining transportation convicts within prison walls, partly to climatic and other reasons it cannot be said that these aims have been attended with conspicuous success. It is not certain that the present conditions of transportation are sufficiently deterrent; and there has been reason for anxiety regarding the health of the convicts. The latter question was taken up energetically in 1904-05 and much has been done to strengthen the medical staff and improve the accommodation, water-supply, conservancy, clothing and diet of prisoners.

In other aspects, the Andaman and Nicobar Islands form an interesting and valuable asset. To the ethnologist and natural historian they offer a peculiarly rich field of enquiry; and in their padouk-forests, and probably also in their supplies of cocoanuts, kopra, and mother-o'-pearl they have material resources which are beginning to attract the attention of the earning departments of Government and of the commercial world. But it is doubtful whether the islands can be opened to free exploitation without impairing the efficiency of the penal system: and in dealing with the proposals presented to them by other Departments or by private ventures the Government of India have hitherto abided by the principle that penal considerations must override all others. It was Lord Curzon's intention to visit the islands in the cold weather of 1902-03, but the tour had to be abandoned for lack of time.

31. The third year of his administration was well advanced before Lord Curzon was enabled to carry out his determination to attack the question of educational reform. This was partly due to the pressure of more emergent, though hardly more important, questions; partly to the inherent difficulties of the matter itself. The problem was one of dealing comprehensively with a subject, which, though it vitally affected the daily life of the ordinary man, was yet eminently matter for experts: the leading principles of which moreover, though from time to time enunciated by authority, had gradually become so obscured as to stand in need of extrication and of decisive vindication: and as regards which, speaking generally, ideas were too fluid and administrators insufficiently informed to render a consistent and effective policy possible. In 1901, moreover, the Government of India found themselves confronted with the several large questions arising out of the correspondence initiated by Mr. Cotton's quinquennial review of education in 1899. Apart from these, other important issues, foremost among which was the question of university reform, called for decision. Behind these again was the irresistible conviction, which had gradually been borne in upon the Government of India, that their educational policy as a whole needed to be reviewed, co-ordinated and settled.

Educational.

Simla Conference.

32. With the object, therefore, of approaching the matter in the most effectual way, the Governor General summoned to Simla in September 1901 an informal conference of educational officers and others, representing all shades of educational and administrative interests and opinions for the purpose of discussing the entire subject. His Excellency's opening speech on September 2, reviewed the various forms of education in India and indicated the questions attending it which the conference would consider. For seventy years we had been occupied in imparting an English education to an Asiatic people. There were many critics who declared the experiment a mistake and its result disaster. They thought that it had given birth to a tone of mind and a type of character that was ill-regulated, averse from discipline, discontented and in some cases actively disloyal. With these pessimists Lord Curzon declined to associate himself. We must take the good with the evil: the successes had been immeasurably greater than the failures, and against the crude and visionary ideas and half-educated and shallow products must be set the raising of the moral and intellectual standards of the entire community. But serious blunders and mistakes had been made, or the conference would not have been assembled to redress them. Some of the errors made were very much on the surface. We had started with too slavish an imitation of English models, and by making education the sole avenue to employment in the service of the State we had unconsciously made examinations the sole test of education. Moreover, the smallness of the sum-total of the progress made, the insufficiency of the State's contribution, and above all the lack of a common principle and a common aim were features of the existing system which the Government could not continue to contemplate with equanimity. From these preliminaries Lord Curzon proceeded to an examination of the particular problems to which the conference would address themselves. Beginning with university education, he enquired whether the provision for teaching in the universities should be extended and hostels provided; whether the university constitutions should be reformed; whether academic standards should be raised; whether the conditions of affiliation should be made more stringent; whether the prescription of text-books was satisfactory. As regards secondary education, the conference would consider how far the accepted policy of gradual withdrawal from direct management should be acted upon; and how far and with what success a bifurcation of studies was being effected. Coming to elementary education, Lord Curzon acknowledged that Government had hitherto but inadequately discharged its obligation to provide for the instruction of the masses; and hoped that with larger resources more could be done in future. It was not right that three villages out of every four should be without a school, or that less than one-fifth of the boy-population of school-going age should be in receipt of primary education. Questions of method which the conference would examine under this head were those connected with object-lessons, manual training, practical instruction in the principles of agriculture, simple lessons in geometric drawing and the sufficiency of the teaching and inspecting staffs. His Excellency then went on to define the scope and objects of technical education and asked the conference to examine the best means of giving to technical and industrial schools a practical character. Finally the conference were invited to discuss five topics outside the foregoing main categories. These were the improvement of normal schools and training colleges; the recruitment and training of the higher educational officers; the extension of female education; the inculcation of a moral teaching; and the appointment of a Director-General of Education in India.

The conference sat for a fortnight and recorded resolutions upon all the topics which they discussed. At its close an informal committee of the Directors met to consider the special questions of European education, the improvement of subjects and text-books, and the amendment of statistical tables. The resolutions were approved in their entirety by the Government of India, who then addressed local Governments in a series of exhaustive letters desiring that they would do what was possible to introduce such reforms as could be brought into operation immediately.^a The progress made under each head will for the most part be described in Chapter VI of Part II. The present review deals only with matters which are of general concern or of primary moment. These are the questions of university reform, the appointment of a Director-General, certain problems of technical and European education, the abolition of competitive tests for Government employment, the special grants made to local Governments, and the public declaration of policy made in March 1904, which summed up the progress up to that time achieved and indicated the lines of further advance.

33. The first suggestion that the law relating to the Indian universities should be revised came in 1899 from the Government of Bombay, who reported that the High Court had ruled that, as the Act stood, for the purpose of a candidate's admission to examinations prior to the final test for a degree no certificate from an authorized institution was required. This detail, however, was soon merged in a wider discussion of the existing state of university education to which the Government of India were led by their experience of the working of the Calcutta University in particular. In his convocation speech as Chancellor on February 16, 1901, Lord Curzon mentioned a reduction of the overgrown list of Fellows as one direction in which reform was needed. For the previous two years His Excellency had made no nominations and permitted no elections to Fellowships of the Calcutta University. In a minute of about the same date the Governor General went on to discuss in detail the various other grounds on which legislation might be desirable.^b The subject was then referred to the conference of September 1901, who declared emphatically in favour of a thorough constitutional reform. They recommended also that the powers of Government in respect of affiliation, recognition, and text-books should be strengthened; that the rules for examinations and degrees should be co-ordinated and improved; and that the institution of hostels should be encouraged. The majority of the conference were also in favour of the conclusion, to which Lord Curzon's Government had already come, that it was desirable to appoint a Commission to examine the entire question. For this purpose the Government of India proceeded with the Secretary of State's sanction to constitute an authoritative Commission of inquiry, under the presidency of the Hon'ble Mr. Raleigh, Vice-Chancellor of the senior university.^c Its composition was settled in consultation with provincial Governments and local representatives were attached to it at the various centres of investigation. During February and April 1902 the Commission visited all the university centres and several affiliated colleges, examining in all 156 witnesses; and in June 1902 they submitted a valuable report, covering the entire ground of university education, exposing the defects of the existing system, and sketching a comprehensive scheme of administrative and legislative reform.

University reform.

(a) { *H. D. letter no. 466, d. Nov. 6, 1901. (49.)*
H. D. letters nos. 501-508, d. Nov. 20, 1901. (51.)
H. D. letters nos. 526-533, d. Nov. 27, 1901. (51.)
H. D. letters nos. 534-542, d. Nov. 27, 1901. (52.)
H. D. letters nos. 543-551, d. Nov. 27, 1901. (53.) }
 (b) *Minute by the Governor-General, d. Feb. 23, 1901. (54.)*
 (c) *H. D. resn. nos. 90-96, d. Jan. 27, 1902. (55.)*

In October 1902 the Government of India circulated the report for free criticism. In the first place they indicated the considerations that might tend to modify the two recommendations made by the Commission which were most likely to excite opposition, *viz.*, that a minimum rate of fees should be fixed and that second-class colleges should be gradually abolished. They endorsed the proposal that stringent conditions for affiliation should be insisted on, and asked local Governments to consider how these should be applied to existing institutions. As regards the recognition of schools, they agreed with the Commission that the privilege should be granted only to schools which were certified by the department to conform to its rules, or in the case of unaided schools, to rules framed by the universities in this behalf. The Commission condemned existing methods for the teaching of law, and the Government of India, while explaining that excessive centralization was not desired, asked local Governments to consider the institution or improvement of central law schools. As regards the constitution of universities the Commission found that existing senates were too large; they advised that the standard of qualification should be raised, and that a regular attention to university business should be insisted on. Upon these points local Governments were invited to express their opinions freely. The Commission advocated a minimum age of fifteen years for matriculation : the Government of India thought there were strong reasons for preferring a limit of sixteen years. Further suggestions which the provincial Governments were invited to criticise related to the arrangements of the arts and science courses, the position of the Director in relation to the university, the admission of private students, and the retention of a separate honours' course. On all these points the Commission made thoughtful suggestions which cannot conveniently be summarised here. Certain matters of local detail were also separately referred to the provincial Governments particularly concerned. For the rest the Government of India intimated that they agreed with the Commission's proposals.^a Of these the more important were :—that the local limits of universities should be re-defined : that no new universities should for the present be created : that libraries should be provided : that graduates should be registered : that a better equipment of colleges should be insisted on : that the residence of students should be placed under supervision : that the universities should conduct no school examinations whatever : and that the examination system should be reorganized and simplified, and examination by compartments abolished. After full consideration of the replies of local Governments who accepted in the main all these suggestions, the Government of India in September 1903 laid before the Secretary of State a draft bill expressing the legislative changes on which they had determined.^b For reasons of historical continuity and sentiment, the existing Acts of incorporation of universities were left as far as possible untouched. The bill provided universities with legal authority to undertake teaching ; gave to Government power to define their local limits ; provided for the creation of reformed senates consisting in no case of more than one hundred Fellows ; limited the tenure of future Fellows to three years ; provided for the election of Fellows by registered graduates in the newer universities ; remodelled the syndicates ; and placed the ultimate decision as to affiliation and disaffiliation of colleges and the recognition of schools in the hands of Government. Other matters were left to be dealt with by regulation under the bill, and Lord Curzon's Government indicated the lines on which they proposed to instruct local Governments to proceed when the measure became law.

(a) *H. D. letters nos. 854-863, d. Oct. 24, 1902.* (56)

(b) *H. D. despatch no. 10 (Edn.), d. Sep. 3, 1903.* (57.)

Finally the Government of India admitted that the reforms in contemplation would impose material burdens on universities and colleges which they were unlikely to be able to meet unaided. It was desirable that sincere efforts at improvement should be liberally assisted, and they proposed to make a recurring grant of five lakhs a year for the next five years in aid of university education, and to distribute it with reference to the requirements of particular provinces. They intended in the first place to reimburse the universities for losses resulting from a diminution of examination fees, and secondly to provide for the inspection of affiliated colleges and to assist the universities in constructing buildings or in providing teaching. The Secretary of State approved of the bill in October and it was introduced on November 2, 1903. It was warmly debated in Council in a discussion of unprecedented length. The main criticisms which found expression in the speeches of the opposing Honourable Members were to the effect that the bill riveted the control of Government too closely upon the Indian universities, and that its object was to place the native members of future senates in a hopeless minority. The reply of His Excellency the President in closing the debate showed that if progress was desired in any branch of the national development the Government was compelled to associate itself with the task. He repudiated the gratuitous suspicions with which the intentions of Government were regarded. There was no desire to interfere with the universities unduly, but past experience had demonstrated the necessity of keeping the final control in the hands of Government. The Government were only taking such powers as were absolutely necessary to ensure that the new reforms on which they had determined should be given a fair trial, and that they should not be defeated by hostile or unfriendly influences. Should the institutions play their part fairly, the control would be nominal in character: if they should not, it would be there as a check. His Excellency claimed that the tone of the concluding speeches in Council presented an instructive contrast to the less responsible criticism outside. The bill had the strong support of some of the native members: others had gone so far as to admit its necessity: and there was the unanimous and enthusiastic witness of the European educationalists on the Council that the measure was a great and important step of progress. The bill was then passed into law as Act VIII of 1904. Its passing represents the culminating point, so far as the highest branch of education is concerned, of the comprehensive scheme of reform which first took shape in the labours of the Simla conference.

The Act became law in March 1904 and was applied to the different provinces at varying dates towards the close of the same year. The first step taken to carry out its intention was to re-define the territorial limits of the jurisdiction of universities. The sphere of influence of the Calcutta University was restricted to Bengal, Assam, and Burma; and Ceylon which had previously pertained to it was attached to the Madras University. The Central Provinces, Central India and Rajputana were associated with the Allahabad University and the North-West Frontier Province with the Punjab University. At the same time to obviate hardship to present students, the universities were temporarily permitted to retain their connection with institutions outside the limits of their jurisdiction as thus revised. The next undertaking was to constitute the new authorities of the reformed universities. This matter was complicated by the introduction of certain transitory provisions in the Act, which were designed to provide a temporary working arrangement until the new organization could be called into full existence, but which proved in the event a source of no small trouble. The tempo-

rary senates were to be constituted partly as the result of election by the existing Fellows or graduates, partly by the Chancellor's nomination, and partly by election conducted by the bodies resulting from both the previous operations. The temporary senates thus called into existence were to appoint provisional syndicates "in such manner as the Chancellor may direct." The earlier stages of these proceedings were smoothly and successfully traversed. Lord Curzon as Chancellor of the Calcutta University in private communication with the other Chancellors settled the manner in which the senates should be chosen, the aim being to ensure that in no case were the objects of Government defeated by the presence of a majority opposed to reform. But the provisional syndicates had no sooner been chosen than the validity of the directions issued for the purpose by the Chancellor of the Bombay University, who had ordered that the election should be held by faculties, was questioned by certain opponents of the Act, and a suit was instituted in the High Court praying for a declaration that the syndicate had no jurisdiction. It was speedily evident that the opposition party in Calcutta intended to take similar action; and though the Government of India were not persuaded that the directions which had been given either in Bombay or Calcutta went beyond the law, yet they decided that the preferable course was to put the position beyond doubt by passing a short validating Act. The measure was opposed in Council by the same Members who had contested the substantive bill of the previous year. It was urged that Government were condoning an illegality, which could be put right merely by re-notification and re-election, by a high-handed use of their legislative powers. But the view of Government was that the difficulty was not of their making; that the argument applied to the particular point in issue might possibly be pushed further against all the proceedings already taken; that it was highly inadvisable to lose valuable time in re-doing what had been already done; and that it was essential to end once for all any uncertainty as to the legal position. The validating bill was accordingly passed into law on February 10, 1905: it provided that all directions purporting to have been issued and all authorities purporting to have been constituted under the Act of 1904 had been duly issued and constituted.

The ground was at last clear for substantial progress to be made. The immediate business before the new university authorities was the complete revision of the regulations, so as to give effect to the reforms decided on. The Government had pledged themselves not to use their ultimate powers of control in such a way as to insist on needless uniformity nor to interfere in matters of detail: and in order to make sure that the undertaking was in no instance infringed Lord Curzon communicated to the other Chancellors the views of the Government of India regarding the points on which alone a firm position should be maintained. Four essential matters were the inspection of colleges; the conditions of matriculation; the recognition of schools; and the settlement of courses. On the regular inspection of affiliated colleges by an agency appointed by the syndicate mainly depended the securing of efficiency in such institutions. Periods were accordingly fixed within which inspections should begin, and at which they should regularly occur. It was agreed that persons within whose legitimate duties such inspecting work did not fall should receive honoraria for the task, and local Governments were requested to see that such remuneration was given at reasonable rates. The agency available for inspection is limited and in Bengal at least it may eventually be necessary to employ inspectors from England. For matriculation the Government of India decided that

an age limit of 16 years should be everywhere enforced ; and that only candidates from recognised schools or *bonâ fide* private candidates should be permitted to present themselves. For recognition stringent conditions of efficiency were laid down. In the matter of courses the Government of India thought it needless to insist on uniformity and were content to draw attention to the well-considered recommendations made by the Universities Commission. An exception was made, however, in the case of the medical courses. In this instance the public importance of securing that the scheme of studies and examinations was everywhere uniform made it necessary to require adherence to a definite scheme which the Government of India proceeded to communicate. The task of drafting the regulations has everywhere been assiduously pursued ; but only in the United Provinces has it so far been completed and elsewhere it has been necessary to extend the period of one year provided by the Act for their preparation. It is matter for regret that the new regulations of the Calcutta University cannot now be completed in time for them to be considered and approved by the present Chancellor.

But while thus indicating the principles, the Government of India have not neglected to provide the means of reform. The grant of twenty-five lakhs promised in 1903 for the improvement of universities and colleges has been allotted to local Governments after careful scrutiny of their respective needs. It was found that it would be premature to compensate the universities for any loss of fees which might result from the new regulations until the effect of these should be fully seen. In the meantime the grants were applied to providing for the travelling expenses of Fellows and syndics resident at a distance from the university seat ; to the charges on account of the inspection of colleges ; to the acquisition of land and the provision of new buildings for university purposes and on non-recurring expenditure on colleges and hostels. By these subventions the universities and colleges have been largely enabled to meet the increased demands which the new order of things will make upon their resources.

34. In his address to the conference of 1901 the Governor General Director General of Education. emphasized the unsystematic character of the control hitherto exercised over education in India, and discussed the need of appointing an expert adviser to the Government of India, who without interfering with local Governments should be the custodian of the principles of a consistent policy. The conference warmly adopted the suggestion and the Government of India endorsed their opinion. With the Secretary of State's sanction the appointment of a Director-General of Education in India was accordingly created, in the first instance for three years,^(a) and Mr. H. W. Orange, of the English Board of Education, was appointed to fill it. The functions of the office have not been formally defined ; the Director-General's primary duty is to advise the Government of India on all educational questions and he has no executive powers ; he also confers with and advises local Governments and corresponds unofficially with the provincial Directors. But a short experience has sufficed to show the value of the new appointment and to justify the decision to create it. Mr. Orange has been at great pains to acquaint himself with Indian conditions and needs, and in dealing with the complicated educational questions which have come before them the Government of India have derived the greatest assistance from his counsel. His appointment was placed on a permanent basis in 1905. Under his charge a bureau of educational intelligence has been instituted with an appropriate establishment for the collection and dissemination of information,

(a) Desp. no. 24 (Pub.), d. Mar. 14, 1902.

(b) { F. & C. desp. no. 238, d. Oct. 22, 1902.

(b) { Desp. no. 29 (Pub.), d. Mar. 6, 1903.

and an officer has been appointed in England to act as educational correspondent to the Government of India^a. It has also been decided to issue occasional memoirs on educational topics and the first two volumes of the series—an excellent account by Mr. H. Sharp of village schools in the Central Provinces, and a report on physical laboratories in Germany by Mr. Kückler—have appeared. Other volumes, relating to the vernacular text-books in the Bombay presidency, the educational system of Japan, and the educational exhibits at the St. Louis Exhibition, are under preparation.

Primary and secondary education.

35. To describe all the remaining phases of the educational reform which Lord Curzon's Government have effected with the same fulness as has been attempted in the case of university reform would prolong the present summary unduly. The details of what has been done for primary and secondary education must be reserved for Part II of this book. In both cases the reforms proceeded on similar lines. In the first place more schools were required, and in the second place better paid and more competent teachers. The next requirements were a revision of the courses of study, the reduction of the overgrown examination system, and the provision of better buildings. Each of these deficiencies, as will be hereafter seen, has been patiently and systematically made good. Meanwhile mention must be made of certain features of the history of technical and European education, which are of sufficient importance to call for more than passing notice.

European education.

36. Two main impulses have affected the policy of Government in relation to European education. The first was applied by the conference of Directors at Simla in September 1901; the second by the Committee which reported upon the condition of certain hill schools in 1904. The Directors advised that the education of European boys in India should be regulated by uniform rules. There existed in the Bengal presidency a code of regulations for European schools, and they recommended that it should be revised and applied to such schools throughout India. The task was entrusted to a committee of inspectors under the presidency of Mr. Pope, Director of Public Instruction in Burma. The revised code was criticised by local Governments and eventually adopted in 1905. It cannot be regarded as a final settlement of all points in issue, especially so far as the curriculum is concerned, but it has been generally welcomed as effecting a great improvement on the regulations hitherto in force. Scholarships have been more freely given; examinations have been reduced; grants have been liberally increased; a strong inspectorate has been created; and provision has been made for the registration and training of teachers. It is further intended to offer valuable scholarships to enable deserving boys to go on to a university course in England, and to create a provident fund for teachers. The increased subventions thus made admissible should in themselves do much to promote the efficiency of European schools. But among the various types of these institutions, the hill schools conducted by the diocesan authorities of the Church of England which, generally speaking, aim at a higher standard than schools of other kinds, have recently claimed special attention. Originally provided with not insufficient endowments these schools had fallen into acute financial difficulties owing partly to the misapplication of their endowments and other mismanagement, partly to the insufficiency of the grants admissible in their case. One such school in Mussoorie collapsed

entirely; and another in Darjeeling was reduced to making an application to be taken over by Government, but on terms to which the Government of India could not possibly accede. It was evident that the remaining Anglican schools were hardly in better case: and Lord Curzon's Government who were very unwilling on grounds of general policy to witness their collapse, appointed a committee to report exhaustively upon the condition and requirements of all European hill schools. The committee went thoroughly into the question. They made various suggestions of general import and value, which the Government of India adopted in settling the code, but as regards the immediate necessities of the case they found that only the Anglican schools were in need of special assistance, and in the three most conspicuous cases—St. Paul's School, Darjeeling, Bishop Cotton School, Simla, and the Diocesan School, Naini Tal,—they proposed liberal measures of relief which, subject to certain considerations of detail, Lord Curzon's Government have accepted. This departure from the theoretical principle of equality of treatment must be regarded as an extraordinary measure dictated by the practical exigencies of the case. But no better refutation need be sought of the allegation sometimes heedlessly made against the present administration that it has been indifferent to the claims of the Eurasian or the European born and bred in India.

37. In dealing with the question of technical education Lord Curzon's Gov- Technical education.
ernment found that while there existed a very general and sincere desire to encourage its development, there was great uncertainty and diversity of view as to the lines on which advance should proceed. This difficulty is the direct outcome of the existing social and economic conditions of India. On the one hand indigenous crafts are traditionally organized on a caste basis which does not readily admit of expansion; and on the other the new industries in which the trained artisan or mechanic can find employment are as yet limited. In spite of the deliberations of the Simla Conference, and the report of a special Committee, and renewed consultation with local Governments, the correct principles on which technical instruction can be advantageously pursued in India are only being slowly evolved. The delay which has attended the inauguration of the Tata Institute of Science has been ascribed in some quarters to the indifference or obstructiveness of Government. It is due to no such causes; but rather to the diversity of opinion which has prevailed as to the best method of accommodating Mr. Tata's great conception to the practical necessities of India. The main difficulties have at length been overcome, and the Government of India have assisted in placing at the disposal of the projected Institute resources so ample as to render its prospects assured. This opportunity may be taken of explaining the attitude which the Government of India have consistently adopted towards the scheme. They do not propose to associate themselves intimately with the management of the Institute itself. They are, indeed, ready to assist in furthering by all legitimate means the comprehensive scheme which owes its origin to the generous philanthropy of the late Mr. Tata. But they realise that the results of the experiment will depend less upon the conditions of the project itself than upon the character and energy of those who may come forward to take advantage of the facilities which it will offer. They are anxious in no way to interfere with the free growth of whatever forms of intellectual activity and economic enterprise the Institute may encourage or create, and they will confine themselves strictly to exercising no more than that degree of influence and control

which is justified, and indeed rendered obligatory, by the liberal grant-in-aid which they have given. In other directions the Government have been confronted with similar difficulties. They have instituted a number of technical scholarships of £150 each for Indian students in Europe and America ; but, strange as it may seem, it has not invariably been easy at first to find candidates qualified to fill them. However a number of Indian scholars from Bengal are now studying mining at Birmingham : and three scholarships have recently been granted for textile industries in Bombay. Other attempts will follow, and in a short time there will probably be no lack either of candidates or subjects. Similarly in the case of industrial schools, which the Government of India have been anxious to start on a large scale for the practical encouragement of local industries, there is the widest diversity of opinion both as to the principles and the type. But an experiment on a large scale is about to be made in Bombay and Bengal, and it may be confidently hoped that upon the labours and researches of the past few years posterity will be able to build successfully.

Competitive examinations abolished.

38. One more result of the deliberations of September 1901 is worthy of notice here. The discussion of the effects of competitive examinations as a means of selection for Government service led Lord Curzon's Administration to conclude that the principle of competition for appointments should be abolished as being of recent and extraneous origin and unsatisfactory and uncertain in its operation. They resolved to substitute for it a system of nomination and selection, based on due regard for other qualifications than those of a purely educational character, and for the varying claims of different sections of the community to a share in the patronage of Government. This decision was of main importance in its application to the provincial service. It was readily accepted by all provincial Governments and carried out without attracting much criticism, except in Bengal where the competitive system had taken deeper root than elsewhere and where its mischievous effects were proportionately apparent.

Special grants.

39. The wide-reaching reforms initiated in September 1901 involved expenditure which it was far beyond the unaided capacity of provincial revenues to undertake, and in March 1902 the Government of India placed at the disposal of local Governments recurring grants, varying from ten lakhs for Bengal to one lakh for Assam, and amounting in the aggregate to forty lakhs. The grants were intended to meet expenditure arising out of the scheme of reform : and in cases where local Governments were unable immediately to prepare schemes involving recurring charges, they were permitted to devote the grant to non-recurring expenditure. The Bengal and the Punjab Governments between them undertook to provide another five lakhs from provincial funds. Three main heads of expenditure—university reform, European education and technical education—were, however, reserved for special treatment. For the former the Government of India have set aside and apportioned a recurring grant of five lakhs for five years in the manner already explained, and as regards the two latter it is their intention to give a similar measure of assistance. The Secretary of State at first requested that all proposals for increased educational expenditure might be laid before him in a consolidated form, but on the Government of India's representing that such a course would indefinitely delay advance, he agreed that further proposals for expenditure might be considered individually, on condition that each should be accompanied by a statement of the unexpended balance of the special grants made in 1902. By the end of

1904, however, the grants had been completely allotted to recurring expenditure and this procedure ceased to be necessary. Finally in March 1905 the Government of Lord Curzon took advantage of the favourable financial conditions of the country to make a special recurring allotment of 35 lakhs to local Governments for expenditure solely on primary education, which was distributed between provinces in proportion to the strength of their population of school-going age. The grants should bear fruit in a great development of elementary education in the near future. The reproach cannot be brought against the present administration that while ready to inculcate principles it has neglected to provide for their application.

40. Lastly, when the general lines of the scheme of reform had been laid down and approved, Lord Curzon's Government determined to publish a statement of educational policy and progress, which should serve as a standard authority comparable to Sir Charles Wood's historic despatch of 1854, and provide a compendium of the subject equally useful to Government and to the public. The briefest epitome of the Resolution of March 1904 upon educational policy will show how the reforms initiated in 1901 embraced all forms of education, and give some idea of the magnitude of the task which is described in detail in chapter VI of Part II. Review of educational policy.

After reviewing the past history of education, the Resolution proceeded to consider the merits and defects of the present system. Admitting on the one hand the spread of knowledge, the opening of new avenues of employment and the improvement in the character of native public servants, it pointed out how great the shortcomings of Indian education still were both in respect of quantity and quality. Four villages out of five are without a school: three boys out of four grow up entirely without instruction and only one girl in forty attends any kind of school. Higher education was too exclusively directed to the goal of Government service: excessive prominence was given to examinations: courses of study were too literary: the development of the intelligence was sacrificed to that of the memory: and in the pursuit of English the vernaculars were neglected.

Beginning then with the question of Government service, Lord Curzon's Government resolved (as has been already stated) that competitive examinations should as a general rule be abolished, and that the ordinary educational standards should be substituted for them as qualifications for employment. Examination should be rigidly cut down and replaced as far as possible by inspections *in situ*. Grants by results should give way to grants assessed on wider considerations and more equitable tests of efficiency. In both the primary and the secondary stages of instruction special provision would be made for the award of scholarships. The accepted policy of successively devolving primary, secondary and collegiate education on private enterprise would continue to be observed: but Government must continue to maintain model institutions and to preserve its general control.

Primary education had been lamentably impeded in the past by want of funds. Its encouragement should now be regarded as a fundamental obligation. Where local bodies were responsible for it, due control by the educational department should nevertheless be secured. Simple systems of object-lessons should be introduced and physical exercises should be made universal. Special provision should moreover be made for the education of the children of agriculturists on practical lines. The efficiency of secondary schools would be secured by insisting

on compliance with specified conditions before recognition by the education department and the universities. The attempt to develop a modern side in the higher classes would be pursued, and the school final examination would be made to serve its proper purpose of testing the value of the instruction provided by the schools. The Government must adhere to its settled policy of abstaining from interference with the religious instruction given in aided schools and of itself providing in State institutions a purely secular course. Moral influences must accordingly be sought in the selection and training of teachers, the maintenance of discipline, the encouragement of hostels, a proper choice of text-books, and the daily association of teachers and pupils. English should have no place in the scheme of primary education, and the tendency to introduce it prematurely should be checked. As a medium of instruction it should be used, roughly speaking, in the case of only those pupils who were over thirteen years of age; and the study of the vernacular should be pursued to the end of the school course. Female education was in a very backward state, and increased funds would now be allotted for its advancement. In the reform of university education the main step had already been taken. For European education, however, much remained to be done. Separate inspectors for European schools were being appointed: the code of regulations was being revised: a training college and a system of registration for teachers was being established: grants and scholarships would be more liberally given, the rigidity of the examination system would be relaxed and measures would be taken to ensure the proper administration of endowments and to enforce sound measures of financial control in aided schools.

Technical education was the next topic reviewed. Existing institutions were doing good work and mainly needed extension on their present lines. The Government of India laid down the principles on which schools of art should be conducted and indicated the methods by which they hoped to institute a flourishing system of industrial schools. In promoting commercial education the chief aims should be to consider Indian requirements and to provide a practical training adapted to these, and at the same time to enlist the co-operation of the mercantile community in providing employment for passed students. Hitherto agricultural schools in India had failed either to produce scientific experts in agriculture or to attract members of the land-owning classes to study as practical agriculturists. The first step was to train men qualified to carry on research and to raise the standard of teaching. This result would, the Government of India hoped, be attained by the institution of the agricultural college at Pusa. The improvement of agricultural colleges generally would follow with the introduction of vernacular text-books.

In the next place the Government of India laid stress on the importance of providing a sufficient number of well-equipped training institutions—ranging from normal schools offering a two years' course to primary teachers, to training colleges for graduates offering a one year's course which should culminate in a university degree or diploma. In connection with both colleges and secondary schools the construction of hostels would be encouraged. Finally, to enable these reforms to be carried out, the educational service, inspecting and administrative, superior and inferior, would be strengthened in all provinces; and the Government of India hoped that that portion of it which drew its recruits from England—the Indian Educational Service—would henceforth be found to offer increasing attractions to the best educational talent. Where the problem to be solved was so complex and the interests at stake so important, India was entitled

to ask for the highest interest and culture which the English seats of learning can give her for her needs.

The system of education thus extended makes provision in varying degrees for all forms of intellectual activity that can appeal to a civilized community. It offers to all classes of society a training suited to their position in life and it is organized on lines which admit of indefinite expansion. But it rests with the people themselves to make a wise use of the opportunities that are offered to them, and to realise that education in the true sense means more than the passing of examinations or even the acquisition of so much positive knowledge—that it is in fact a preparation for the business of life. If this essential truth is not appreciated, the scheme of reform so laboriously undertaken cannot produce enduring results. To the leaders of native thought, therefore, the Government of India appealed to carry on and complete a task which the Government itself could do no more than begin.^a

This summary of educational reform may appropriately close, as it began, with a reference to His Excellency's speech at an educational conference at Simla. In September 1905 the Directors of Public Instruction met to confer with the Director-General upon certain educational questions; and in response to their invitation, Lord Curzon addressed them in one of the last speeches which he made in India, upon the undertakings and achievements of the past four years. He described the position as he found it in 1899 and reviewed what had since been done for its improvement on all sides. He claimed not, indeed to have reformed education in India, inasmuch as education is not a static but a dynamic quantity, but at least to have rescued it from the wrong track and to have given it a fresh start upon the right one. To the Directors and their successors he now committed the task, as one which might well engage their best faculties and be the proud ambition of their lives. It afforded scope for much administrative energy and, what was better, much personal influence. The future of Indian education no one could indeed foresee: it was wrapt up in the future of the Indian race itself, the most hazardous and absorbing of speculations. But though the port was far ahead and out of sight, it had been their duty together to revise an obsolete chart and to set the helm of the vessel on a new course.

41. On the ecclesiastical side, as in other departments, much has been done Ecclesiastical I. during the past seven years to strengthen the services and to improve their position and prospects. A new diocese has been created; seven additional Anglican and three additional Scottish chaplains have been appointed; the rates of pay of probationary and junior chaplains have been raised and the leave rules of statutory bishops have been made more liberal. But the main concern of Lord Curzon's Government has been to allay the long controversy attending the provision of church accommodation for British troops of the various recognised denominations which had ensued from the ruling given by the law officers that the Anglican bishops were entitled to refuse permission to other denominations to make use of consecrated churches. In the latter part of 1902 after an animated discussion of at least four years' duration something approaching a dead-lock had been reached. As regards parade services a compromise had been effected which satisfied neither party. In the case of other services no solution had been found. The Anglicans were dissatisfied with the decision not to allow consecration in the case of any new churches which might be built in future; the Presbyterians and Wesleyans alike rejected the scheme for joint churches: the Anglicans and the Wesleyans complained

that they were less generously treated than the Church of Rome, and the Scottish Church complained that it was less liberally regarded than the Church of England. The Government of India determined if possible to put an end to this state of affairs and to arrive at a final settlement even at the cost of a reasonable expenditure from public funds. They decided to abandon the former policy of making isolated concessions in particular cases, supplemented by the general offer of joint unconsecrated churches which satisfied no one. The claim to parity of treatment with the Anglican community which the Scottish Church has put forward has been admitted. Every endeavour has been made to induce a more generous disposition on the part of the English bishops towards the question of the loan of churches; but where other means fail Lord Curzon's Government have recognised that the action of their predecessors in permitting unrestricted consecration has made it incumbent on them to adopt a liberal attitude towards fresh claims, and to accept the obligation to provide at the expense of the State fresh separate accommodation for all Presbyterian or Wesleyan soldiers in all cases where reasonable necessity is shown.* In small cantonments, however, where the building of separate churches would not be justified owing to the infrequency of their several use, the Government have finally decided to provide only one joint unconsecrated church for all denominations, or, in the alternative, to apportion the grant admissible as its equivalent between the various sects only in the event of their common agreement. While thus undertaking to provide new buildings wherever a tenable case can be made out the Government of India have consistently endeavoured to induce the Anglican bishops to make consecrated churches available for all services which Scottish ministers may reasonably require to hold. The bishops have declined to lend such churches for the office of the Holy Communion. The Government of India recognise that in the last resort it is open to them to procure Parliamentary legislation by which the position which the English church authorities now occupy would no longer be tenable: but they are exceedingly averse from proceeding to such an extreme. They prefer rather to rely on the effect of the recent redistribution of the army in India, as tending to concentrate the troops in large garrisons where, under the new policy adopted in 1902, separate churches will gradually be provided for Scottish regiments; and in other cases they will if necessary be prepared to construct separate temporary chapels for the use of communicants. A further important question which Lord Curzon's Government discussed exhaustively with the church authorities concerned was the substitution of consolidated grants for the fluctuating subsidies hitherto given in the form of pewage and capitation allowances for services rendered, in cases where no Government church or chaplain exists, by the denominations to British troops. In the end the main proposal was dropped owing to the difficulty of arriving at satisfactory figures: but an important outcome of the discussion was the decision to raise the rate of pewage from Rs. 3 to Rs. 7 a seat, a decision which will be of great assistance to the various denominations.

A brief reference should also be made to two other questions which illustrate in varying degrees a possible danger which the Government in India may encounter in dealing with ecclesiastical matters. The fundamental principle which has always directed the policy of the Government of this country is one of undeviating impartiality in religious affairs. In its application to the ordinary questions affecting the religious concerns of the European population this consideration obliges Government to scrutinize closely all

proposals for expenditure on new dioceses, or churches, or establishments: in its wider aspect it renders it necessary to insist on a due measure of subordination of the church authorities to the secular power in India. An attempt on the part of any of the denominations to arrogate to itself a position independent of the State could not be tolerated by any responsible Government. It was this consideration which led Lord Curzon's Government in 1902 successfully to resist the proposal that the office of Metropolitan in India and Ceylon should be elevated into an archbishopric; and which influenced the minds of the majority of the Government who in 1905 opposed the Metropolitan's claim to be allowed to consecrate bishops in native territory without the Royal license. But as regards the latter question it should be added that Lord Curzon did not himself share the apprehensions expressed and held that a sufficient power of control would in any case be reserved to the Government of India.

42. From the nature of the case the history of local self-governing bodies Municipalities. is a record of local, rather than of general, interest. The past seven years have, however, been by no means a period of inactivity especially in municipal areas. One reform of the first magnitude has been accomplished in the reconstitution of the Calcutta corporation, and the replacement of an ineffective and dilatory, if not also a corrupt society of debaters, by a comparatively compact and expeditious organization. The municipal system of Calcutta does not, and perhaps never will, attain to the standard of efficiency of western capitals, but it has at least been delivered from the most obvious disabilities which beset it in the shape of the predilection of the dominant section of the commissioners for partisan criticism and sterile debate. Much of the experience gained at Calcutta has since been advantageously applied to the reorganization of the municipal constitution of the city of Madras, though what was needed in this case were rather mechanical improvements than organic reform. In three other provinces the statutory basis of the municipal system has been revised, and obsolete enactments have been replaced by new ones in which provision is made for modern requirements in such matters as water-supply, sewage, conservancy and building. In all large towns steady progress has been made in the provision of a water-supply with its necessary corollary, a drainage system. In three of the largest cities of the empire, Bombay, Calcutta and Rangoon it has been necessary to undertake large schemes of structural improvement in the shape of the clearing of congested areas, the provision of new streets and open spaces and the acquisition and equipment of new areas for expansion. Tasks of such magnitude were beyond the unaided compass of the municipal body and in each case the Government of India have directed and assisted in their execution. In Bombay the reforms initiated by Lord Elgin's Government in the passing of the Improvement Act, which hypothecated to a special Trust for the reconstruction of the city valuable areas in the possession of Government, have since been actively pursued. It is hardly too much to say that the entire aspect of the western capital has been changed: foul and congested areas have been swept away and new streets marked by a handsome and distinctive style of architecture are taking their place. In Calcutta an even larger scheme of similar character has been exhaustively discussed with the local Government and the Secretary of State. Interests of great magnitude are involved and it has not been easy to provide the necessary funds without laying undesirable burdens on any section of a heavily-taxed community. The Government of Lord Curzon have themselves contributed fifty lakhs to the expenses of the undertaking and believe that they have devised a scheme of additional

taxation which will be accepted by popular opinion as remarkably unoppressive in relation to the enormous total cost of the reforms which amounts to 8½ crores of rupees. In Rangoon also a large project for the reclamation and equipment of the eastern portion of the city-area is progressing. In this case also the Government of India have assisted the municipality by assigning to it the rent of certain town lands. Generous assistance has also been given to municipalities elsewhere, particularly to those in the hills and in the Bombay presidency, for special needs. At the same time their financial obligations have been re-defined, and the principles of octroi taxation, which forms the backbone of the municipal income in northern and western India, have been reconsidered and enlarged.

Local boards.

43. While it may be generally said that municipal institutions throughout India are developing a genuine and useful vitality, it must be added that district and local boards, which draw their representatives from a rural population, less familiar with business methods and with interests more diffuse, have been slower to take an energetic share in the task of self-government. They have indeed rendered valuable assistance in famine and plague relief and have done useful work in the matter directly within their province, such as the maintenance of roads, bridges, schools, dispensaries, and pounds and the construction of local works of public utility: and in some provinces they promise to make a new and valuable development in the direction of providing light railways. But if in the past they have hardly taken a fair share in the general development of the country the reproach must in part lie at the door of Government. For from the first their revenues have been insufficient for their needs. Their main source of income has been derived from a local land-cess, a form of revenue which is necessarily of slow growth; while on the other hand fresh duties and consequently fresh expenditure have constantly devolved upon them. The favourable financial conditions of 1905 enabled Lord Curzon's Government largely to relieve this difficulty by placing at the disposal of district boards throughout India a subvention equal to one-fourth of their total income from local cesses. This liberal grant, which amounted in the aggregate to 56 lakhs of rupees, will enable the boards to meet their most emergent needs in the matter of roads, schools, and sanitation; and will, it is hoped, afford a needed stimulus to interest in public affairs throughout the rural districts. At the same time the abolition of the famine cesses levied in the United Provinces, the Central Provinces, and the Punjab gave material relief to the revenue paying classes in these provinces on whom the burden of the impost mainly fell.

Medical.

44. In the medical department much has been done during the past seven years to improve the position of the services and the equipment of institutions. In the first place the rates of pay of the entire service of Indian Medical officers in civil employment have been substantially increased at a cost of nearly six lakhs per annum. All classes of officers in the regular line, from the Inspectors-General in medical charge of provinces down to the most junior civil surgeons, have benefited by this concession; and it has been extended also to the holders of the many miscellaneous posts such as sanitary commissioners and deputy sanitary commissioners, principals and professors in medical colleges, port surgeons, personal assistants, and others, after patient investigation of the requirements of each case. The special branches of the medical service which had been instituted by Lord Elgin's Government—such as the chemical exam-

ners, bacteriologists and alienists—have also been placed on a secure footing as regards pay and prospects. The backbone of the medical organisation of India is of course the civil surgeon who is responsible for the whole of the medical arrangements within his district. With the growing development of the country, there has been a constant tendency to add to his labours until in some cases they have amounted to a burden beyond the powers of any one man to discharge. The chief direction in which the civil surgeon requires relief is in discharging his duties as district sanitary officer. In this respect the organisation of a separate sanitary department described below will provide the required remedy. On the other hand, it must be admitted that there has been a growing tendency to remunerate civil surgeons for each new duty imposed upon them by the grant of fresh allowances; an arrangement which is open to objection—if on no other grounds—as tending to obscure the principle that the whole-time services of an officer of Government are, if required, at the disposal of the State. The Government of Lord Curzon are therefore considering the question whether it is advisable to define the duties which shall be regarded as the normal obligation of the district medical officer, and which he shall be required to discharge without special remuneration. Consistently with the principle to which reference has been made it is the custom of Government to allow its medical officers, not holding certain special posts, to indulge in private practice. The main justification for this arrangement is that the technical skill and professional attainments of officers are kept in a state of high efficiency: but a subsidiary advantage is that the emoluments of private practice are of assistance in attracting a superior class of officers to medical service in this country. The obligation which rests upon the service not to abuse the concession to the detriment of their official duties or their official position has as a rule been honourably fulfilled. But while the Government have been prepared to fix the legitimate emoluments of officers at a reasonably generous rate, they have not hesitated to check the beginnings, whenever detected, of a tendency to abuse the privileges of private practice. Instances have occurred in which medical officers in Government service demanded or accepted inordinate fees from native patients in high position; and in their own interests and those of the service, no less than in those of the patient, the Government of Lord Curzon have intervened and reduced the claim or the award to reasonable dimensions, and have issued instructions designed to prevent the recurrence of such cases. Their action in this matter has been the subject of criticism: but such criticism has probably been based on ignorance of administrative conditions in India, or of the extent to which the mischief had attained.

While the position of superior medical officers was being thus improved, the prospects of the lower ranks of the service have not been overlooked. For the benefit of selected civil assistant surgeons a number of district charges have been reserved, and the title of civil surgeon has been conceded to these officers equally with commissioned officers when in charge of a district. The pay of hospital assistants also has been raised; and an important reform has been effected in the decision to insist upon a competent knowledge of English in this class of subordinates. Outside the ranks of Government service, and without the prestige which such service confers, the Indian practitioner trained in European medicine has not yet been generally able to displace the indigenous *baid* or *hakim* in popular estimation; but this result is probably a question of a few years only and the Government look forward to a time when the private

profession of medicine will afford an assured career to the best Indian talent. In the meantime a new medical school has been opened in Burma and the Agra school has been enlarged, and it is likely that the United Provinces will soon claim a medical college of their own. Moreover, the revision of the regulations framed by the universities for medical degrees will do much to put medical education throughout India on a sound and equitable footing. There exists at present in India no statutory authority enabling unqualified persons to be restrained from practising medicine, but in a few provinces something has been done to check the vagaries of the quack by the informal collection and registration of the qualifications of all practitioners.

In recent years the apprehensions aroused by plague have profoundly affected the activity of medical institutions; but a steady expansion of their utilities, testifying to an increase of confidence on the part of the population generally in the medical relief afforded by the State, is nevertheless discernible during the period of Lord Curzon's administration. The number of patients treated in the hospitals of British India increased from 19½ millions in 1898 to 23 millions in 1903, and the expenditure on these institutions rose during the same period from 66 to 83 lakhs. The efficiency of the leading institutions in the presidency towns, particularly Calcutta, and other large centres has been materially improved, both by additions to the staff and by large expenditure on equipment. A series of large well-found lunatic asylums under the charge of specialist officers is being gradually provided for the care of the insane; and an expert service of analysts has also been organised for the solution of medico-legal and commercial problems. The country has been defended, with no small labour and at no small expense, from the incursion of fresh tropical disease from without; and the population have been encouraged to protect themselves from malarial fever—their worst indigenous enemy—by the widespread distribution of quinine at a nominal price. Nor should this rapid survey of the activities of Government in the medical department close without reference to the scheme, initiated by Her Excellency Lady Curzon and cordially supported by the Government of India, for removing one of the most serious deficiencies in the medical equipment of the country by providing a service of trained European nurses for attendance on European residents in serious illness.

Sanitary. 45. On the sanitary side of the administration the advance made during the past few years has been even more conspicuous. The Plague Commission of 1898-99 drew attention to defects in the existing sanitary organisation and made detailed recommendations for their remedy. The Government of Lord Curzon after reviewing the history of past efforts, and the character of present conditions, recognised that the sanitary administration of India was backward and inadequate; and that lack of co-ordination and waste of money had resulted from the efforts of an insufficiently qualified and often over-burdened agency working in different places under different masters. At the same time they were not prepared to advance precipitately on the elaborate scheme of reform which the Commission had sketched out. There were serious difficulties in the way, paramount among which was the imperative need for caution in dealing with sanitary reform. For the villager at all times resents strenuously any intrusion upon his domestic life and rashness on the part of the Government might easily become a political danger. For the time being, therefore, Lord Curzon's Government contented themselves with taking one important step in

advance, which should precede the creation of a new department or the inception of a detailed scheme of reform. They proposed to provide themselves with a sanitary adviser, whose whole time should be devoted to sanitary work only and who should supervise the existing machinery and inspire the measures taken for its improvement. The office of Sanitary Commissioner with the Government of India had, mainly on grounds of economy, been combined with that of the Director General, Indian Medical Service, twenty years before. Lord Curzon's Government proposed to reinstitute it as a separate appointment; and intimated that they intended to select for the charge an officer of the Indian Medical Service, in whose expert qualifications and whose knowledge of the sanitary needs and administrative methods of India they had complete confidence. His Majesty's Government accepted the proposals and Lieutenant-Colonel J. T. W. Leslie was appointed as Sanitary Commissioner with the Government of India in November 1904. A complete programme of the Sanitary Commissioner's operations has since been considered and settled. In the first place he will work out a practicable scheme for the reorganisation of the sanitary agencies throughout India on modern lines. This is perhaps the most pressing need of all. Civil surgeons require assistance in dealing with sanitary problems: the large cities of India yet lack a proper sanitary staff: and the various existing agencies throughout the country require to be co-ordinated and transformed into an organic whole. The Sanitary Commissioner will also undertake a survey of the sanitary needs of large centres of population and confer with the provincial authorities as to the improvement of village sanitation. He will advise upon the prevention of epidemic disease, and especially of plague. The problems of vaccination, vital registration, sickness in jails, and the promotion of the teaching of hygiene in colleges and schools will also claim a large share of his attention.

46. One portion of the Sanitary Commissioner's functions, however, is so important as to require further description. For some time past it has been the aim of Government to place India on a level with European countries by providing complete means for bacteriological research and study throughout the country. Here and there isolated and imperfectly equipped laboratories had previously been established for local needs. The development of these was considered by Lord Elgin's Government, and the matter was subsequently discussed by the Plague Commission. But the first practical impulse given to it was in 1899, when Lord Curzon's Government laid before local Governments a complete scheme providing for the establishment of a central institute at Muktesar and the improvement of the laboratories at provincial centres. Unforeseen causes, chief among which was the concentration of resources in 1902 upon the production of the plague prophylactic fluid, combined to delay the opening of the central institute. In the meantime, however, bacteriological work in India had derived a great stimulus from the opening in 1900 of the Pasteur Institute at Kasauli. The initial credit for this valuable institution must be conceded partly to the enterprise of a committee of private individuals, partly to the Principal Medical Officer in India who was anxious to make provision for the treatment of soldiers bitten by rabid animals. The Government of India, however, from the first expressed their sympathy with the project, and though, in deference to opinion both in India and England, they felt precluded from directly managing an institution to whose processes the objection might be taken that they involved experiments on animals, they showed this sympathy in a practi-

cal form by giving the institute a grant proportioned to the value of the service which it rendered to the army, and by assisting it with the services of Government officers. The opening of the institute has conferred on India benefits which can hardly be exaggerated. Thousands of persons bitten by rabid animals, the vast majority of whom would have found it impossible to undertake the long and expensive journey to Paris, have been successfully treated within relatively easy reach of their homes; and in spite of the susceptibilities of native opinion, the value of the work done is coming to be universally recognised throughout the country.

Early in the year 1903 the sum of £30,000 was placed by a private benefactor at the personal disposal of Lord Curzon for expenditure on objects of public utility in India. The success of the anti-rabic treatment provided at Kasauli had been qualified only by the condition that the course must be commenced promptly after the infliction of the injury, but this condition in itself tended to restrict the sphere of utility of the institute to those parts of India from which Kasauli was readily accessible. One lamentable case indeed occurred in which a European patient from Madras was unable to arrive in time for the treatment to be efficacious. Lord Curzon accordingly determined to allot the sum of one lakh from the amount at his disposal for the establishment of a second Pasteur Institute in the Madras presidency. The Madras Government, who readily accepted the proposal, have deferred to the strong opinion of the Government of India that the institute should be located in the hills; a site at Coonoor has been selected; the buildings are approaching completion; and it is hoped to open the institute early next year under the charge of two officers of the Indian Medical Service.

Although established primarily to provide anti-rabic treatment, the Pasteur Institute at Kasauli soon developed fresh activities, and undertook the manufacture of various curative sera and anti-venene for supply to various public bodies and officers throughout India. So long as the project for the central bacteriological laboratory remained in abeyance it was found convenient to maintain this arrangement. But in 1904 when the new Sanitary Commissioner had been appointed and the Government of India were free to proceed with their own scheme, they resolved to define the functions of the various laboratories in India more clearly, so as to avoid any confusion or over-lapping. They decided to place the new laboratory at Kasauli in juxtaposition to the Pasteur Institute, an arrangement that offered various advantages as regards the questions of site, supply and equipment, and they appointed to the charge of it Lieutenant-Colonel Semple, R.A.M.C. (retd.), whose management of the Pasteur Institute had marked him out as pre-eminently well fitted for the position. The central laboratory will be concerned with original research work and the training of officers; but it will also undertake the preparation of curative sera. The provincial laboratories will be generally engaged in medico-legal work and also in supplying expert assistance for the local sanitary officers, but the superintendents will also be encouraged to pursue original inquiries. Some of the local institutions will specialise in particular fields. The Parel laboratory will manufacture the plague prophylactic fluid, and concern itself particularly with inquiry into the etiology of the disease. At Guindy a well-equipped institute has been established by the Government of Madras where vaccine lymph is being made and probably curative sera will also be prepared. The two Pasteur Institutes will, so far as Government is concerned, be restricted to the anti-rabic

treatment, with the exception that as the Punjab is yet unprovided with a regular provincial laboratory, it will probably be arranged that the ordinary bacteriological work of the province shall for the time being be conducted at Kasauli. The laboratory at Mukhtesar, which is under the Revenue Department, will be restricted to research into the nature and treatment of animal disease. These lines of demarcation are not intended to be final or unduly rigid. Bacteriology is a progressive science: operations which are research today develop tomorrow into manufacture, and disease in human beings cannot be investigated without some reference to disease in animals. The Government have no wish to hamper the enthusiasm of workers by imposing irksome limitations, but they have felt bound to frame a general scheme lest waste of valuable time and capacity should result from the duplication of inquiries. They look to their Sanitary Commissioner to watch closely the operations of the new institutions and to develop their several activities in the directions which promise the best results.

Even with the restricted opportunities hitherto available for research some investigations of marked originality and promise have already been made. This is notably the case in respect of malaria and other Indian fevers and of snake venoms. The field of such inquiry in India is very large and the medical services can be trusted to produce able and enthusiastic workers. Hitherto it has been usual to look to the laboratories of Europe for the elucidation of the problems of tropical disease. With the full development of the complete organization which Lord Curzon's Government have called into existence, it may rather be anticipated that workers from Europe will be attracted to this country, and that the work of Indian laboratories will yield results which will not only prove of supreme benefit to India, but will also command the respect of the scientific world at large.

47. It may be objected that in the most important sanitary respect of all, its combat with the plague, the record of Government is one of failure. It must be frankly admitted that lakhs have been spent, the whole energies of local Governments exerted, and valuable lives sacrificed with apparently small results. Broadly speaking the area of the ravages of plague and the death-roll of its victims have increased year by year since the disease first invaded India in 1896. In 1904 the total actual mortality exceeded a million, nor is there any expectation that the current year will show a decrease. For these results it would, however, be unjust to blame the administration. In the earlier stages of the disease the utmost efforts were made by Government officers, under direct orders from Government and at Government expense, to check its progress. When the task exceeded the capacity of the existing staff, doctors were imported from England: when local bodies were unequal to the burden of plague charges they were generously assisted from provincial funds. In its earlier stages the epidemic was strictly local in character and there were hopes of preventing it from spreading over the rest of the country; the attention of European nations was directed to its progress; and there was danger that the commerce of this country might be seriously injured by international restrictions. In these circumstances the Government adopted a policy of severely repressive action. Fortunately the disease was at first confined to areas where the people were comparatively tractable. It did not take long, however, to convince the Government that the repressive policy was worse than useless. It signally failed in its effect; or, if it somewhat checked, it wholly failed to prevent the spread of plague. The inquiries of the Plague Commission indeed showed that in

Plague.

some respects the action taken actually disseminated the disease. Meanwhile the Venice Convention removed the apprehension of unreasonable restrictions upon commerce; and on the other hand the infection of wider areas made it impossible longer to enforce the stringent measures of repression at first attempted without a degree of interference with the domestic life of the population in which lay elements of the gravest political danger. In these circumstances the Government of India, in their important resolution of July 1900, declared their intention to desist from a policy of energetic and persistent resistance and to substitute in its place a policy of assistance and persuasion. In realizing that at last a time had come when the remedy was worse than the disorder, Lord Curzon's Government only preferred the considerations of greater moment to those of less. From that time they have contented themselves with assisting and advising the people to protect themselves in preference to measures of compulsion. The decision was one of necessity and requires no justification. Were justification needed it is to be sought less in positive results than in the altered attitude of the people and the new tendency to complain that Government does too little rather than that it does too much. The lesson of self-defence, however, has not been entirely learned and spontaneous measures have been no more, and possibly even less successful, than those on which Government insisted. It may indeed be that no human agency could have averted the results which followed. Under favourable conditions such as those presented by jails and barracks there is no question that precautions can be taken which will be entirely successful: but whether it is possible to apply these to the population living in their villages at large is a question which so far can only be answered in the negative. The causes controlling the main features of the epidemic, if not positively known, lie within the range of reasonable surmise. Plague has been worse in the Punjab than elsewhere, probably because the population live in mud houses, surrounded by a wall, and more closely crowded together and with more residents in each than elsewhere. Villages are closer to one another and the transmission of the disease from site to site is thus made easier. The cold weather lasts longer and the exodus of the population from the houses to the fields which possibly determines the annual decrease in the mortality occurs a month later. The richest portions of the province have suffered most, probably because the population is densest there and the abundance of grain encourages fecundity of rats. Tracts which are heavily smitten one year escape the next year, probably because of the temporary exhaustion of all susceptible material whether among men or rats. Towns escape more lightly than villages, partly because of the paving of the streets and floors, partly because of the fact that during an epidemic people take to living in upper storeys. These conjectures may be taken as reasonably certain, even though there are many directions in which further investigation is required. To take what is perhaps the most important problem, it is not known whether the periodical fall in the mortality which occurs in the hot weather is due to the direct effect of heat upon fleas or rats; or to the circumstances that the grain stores within doors are exhausted and that the rats go out to the fields and large godowns; or to the mere fact that the people go out of doors to sleep. But no theories of the causation of plague have yet disclosed a single method of treatment or prevention which is capable of general application; and the action taken has necessarily been of an opportunist character. Nevertheless it would be wholly unjust to describe the policy of Government as one of indifference or *laissez faire*. Everything short of positive compulsion has been attempted. Not only has the knowledge and devotion of the regular

medical service been freely given but special assistance has been procured at heavy cost. Bacteriological science has done its best to devise and supply the means of protection. In the province which suffered worst, unprecedented measures of defence were organized in the shape of a widespread inoculation scheme, the prospects of which were wrecked by an unhappy and utterly unforeseen accident almost at the moment of its inception, an occurrence that exercised so vital an effect upon the preventive treatment of plague in India as to require more detailed explanation.

At the instance of the Government of the Punjab, Lord Curzon's Government obtained the Secretary of State's sanction to a scheme for the inoculation with Mr. Haffkine's prophylactic fluid of as many persons as possible in the portion of the province that was most exposed to infection, and where the people showed willingness to accept the treatment. It was estimated that, if special exertions were made, it would be possible to inoculate six and a half millions of people; and a large additional staff including 37 doctors obtained from England was sanctioned for the purpose. The cost of the operations was assessed at seven lakhs. In making its proposals the Punjab Government was assured that the Parel laboratory would be able to supply the amount of the prophylactic fluid required which was estimated at 70,000 doses daily. Unfortunately the Director of the laboratory in his anxiety to accelerate the production of the fluid determined on his own responsibility to make certain changes of process. He did not report to Government what he had done. The results obtained with the new fluid were, however, far from being entirely satisfactory and excited sufficient apprehensions to induce the Lieutenant-Governor to order the cessation of the operations; but unhappily the order came too late to avert disaster, and on October 30th, 1902, nineteen persons inoculated with the new fluid in the village of Mulkowal contracted tetanus and all subsequently died. This catastrophe not only made it impossible to proceed with the inoculation scheme in the Punjab, but brought discredit on the system throughout the whole of India. The Government of India appointed a special Committee of inquiry to determine where the responsibility for the disaster lay. After a long and patient investigation the Committee reported that the changes introduced by Mr. Haffkine in the preparation of the fluid had resulted in its being more liable to bacillary contamination and in fact containing, in the form in which it was being issued, grave elements of danger. This finding was accepted by the Government of India and confirmed by separate investigations afterwards made in England. With Mr. Haffkine himself, who in earlier years had rendered great service to India, the Government of Lord Curzon dealt leniently: he was divested of all administrative responsibility and will in future be employed only on research work. Their chief concern, however, was to repair, as far as might be, the mischief done. The families of the victims at Mulkowal had been promptly and liberally compensated by the Punjab Government. It remained to render it impossible for such a disaster to recur and if possible to rehabilitate inoculation in the public credit. The first step was to prohibit the use of any prophylactic fluid except that prepared according to the standard process, the innocuous character of which had been shown by long experience. In addition the Government of India after long experiments adopted an ingenious apparatus for decanting, invented by Dr. Maynard, which will it is believed render it mechanically impossible for contamination to occur. When this was done they arranged for a public demonstration of the methods of preparing the prophylactic which should assist in reassuring public opinion regarding the safety of inoculation.

Enough has been said to show that if the contest with plague has been a losing one, this result has not been due to the apathy or indifference of Government. But though much had been done already, the Government of India determined to do more. As has been remarked above, the measures previously taken had been those which general experience rather than particular knowledge had suggested. It was time, they thought, to make a fresh attempt to solve the problem from the scientific side. In communication with the Secretary of State they arranged to constitute a small Committee of inquiry representing the best bacteriological skill procurable, and composed in fact of two experts from the Lister Institute in London and two selected Indian Medical Service officers in India, with instructions to examine anew the etiology of the disease, and to discover if possible a method of treatment or prevention of such a character that it could be practically employed in India. The investigators have been for some months at work at the Parel laboratory : and the result can only be hopefully awaited. Simultaneously Lord Curzon's Government determined to collect anew from the various plague authorities throughout India the results of their personal experience of the disease and of the measures adopted from place to place for its repression, in the hope that the inquiry might place certain epidemiological facts in so clear a light as to suggest more efficacious measures. An enormous mass of evidence was thus got together, which has been carefully sifted and collated by the Sanitary Commissioner : and one of the last acts of Lord Curzon before quitting India was to authorize the preparation of a Resolution on the subject, which should take the form not of a scientific disquisition, but of a very practical body of advice, based on wide experience and directed to plague as it exists, is disseminated, and ought to be treated at the present time ; and which should in fact supply an administrative programme of measures against the disease. It may be that none of these attempts nor all of them together will be successful ; but if so, the Government will at least derive consolation from the consciousness that they have done their best.

Terrible as the destruction which the plague has wrought, it should not be overlooked that it has conferred indirect benefits as well. Attention has been everywhere awakened to the need of sanitary measures : large improvements have been effected in the conservancy and drainage of urban areas ; and generally the hygienic conditions of the country have been vastly improved. It is possible too that the system of vital registration may benefit appreciably as a result of the continued practice of recording deaths from the disease.

Miscellaneous.

48. Outside the main lines of administrative business lie several projects undertaken at the Governor-General's personal initiative. These are fully described in Chapter XII of Part II of this summary ; but to omit a brief enumeration of them from the present review would make it but an incomplete account of the total activities of His Excellency's administration. The inception of the Victoria Memorial Hall in Calcutta, though included in Chapter XII, only partially falls within the province of the Home Department. But mention should at least be made of such matters as the institution of the Imperial Library, the publication of the records of old Calcutta history, the reconstruction of the Holwell monument, the resumption of control over the Calcutta maidan, the revision of the spelling of native names, the structural improvement of the official and business centre of Calcutta, the improvement of Dalhousie square, the gift to Calcutta of Kidderpur Park, the proposed removal of the

Punjab Government from Simla and the re-constitution of that station, the commemoration of historic buildings throughout India, the placing of portraits of the Sovereign in all official residences and buildings, the institution of the Kaiser-i-Hind medal, the repression of the smoke nuisance in Calcutta, and the arrangement of the coronation celebrations throughout India. All these owe their origin directly to Lord Curzon's individual stimulus, and the mere list will at least serve to indicate the multifarious directions in which his energies found occupation.

49. From the foregoing pages it will be apparent that the period of Lord Curzon's administration has been a time of enormous activity in all branches of work. The criticism has made itself heard, however, that the results attained have been purchased only at the cost of undue interference with provincial administrations; of encroachment upon the discretion which properly rests with the authority acquainted with local conditions; and of an arrogant concentration of authority in the hands of the Government of India. In commenting on the recent increase of work in the Home Department alone the late Secretary of State for India expressed his apprehension that centralization might have been carried too far. He pointed out that it was of importance that the initiative and responsibility of provincial Governments should be allowed their legitimate share in the system of administration, since it was upon their activity and watchfulness that improvement mainly depended: he accepted the proposition that decentralization should be kept in view as a guiding principle: and he suggested that a detailed examination of the increase of work should be undertaken in order to ascertain whether or where this principle had been departed from. The investigation desired by Lord George Hamilton has been made. Its results may be gathered from the following statement, with which this review may appropriately close, of what Lord Curzon's Government conceive to be the true considerations determining their position and duties.

Conclusion.

The criticism postulates that centralization is in itself vicious, and decentralization in itself beneficial. To the philosophic observer there will appear no inherent virtue either in one or the other. A transfer of functions from the local Government to the Government of India is not necessarily bad administration, nor is the converse process essentially good. The real object, which may be attained sometimes in one way and sometimes in another, is to secure a suitable adaptation of means to ends. The financial decentralization undertaken in 1871 and extended by the recent orders regarding provincial settlements was a measure of unquestioned advantage, but its success was due, not to its compliance with any abstract principle, but to the fact that it resulted in a sound division of labour and relieved the Government of India of a mass of detailed work which they did not appropriately discharge and which the provincial Governments were in a position to do better. Centralization, on the other hand, is a disadvantageous step only when it involves the arrogation by the Government of India of functions which the provincial authorities could discharge with equal capacity and with greater knowledge. But though the period since 1899 has been one of great and varied initiative on the part of the Supreme Government, it is not the fact that the province of local Governments has thereby been invaded. In the view of the Government of India, there is no necessary connection between the qualities postulated in the second proposition, and the functions described in the first proposition, upon which the Secretary of State's suggestion was based. They entirely agree that continuous improvement

depends upon the vigilance of local Governments, though whether a superior vigilance on the part of the Government of India is not also demanded is a further question to which reference will be hereafter made. But watchfulness on the part of local Governments does not necessarily involve the exercise of initiative by them or impugn its exercise by the Government of India. It is beyond question that the motive force in far-reaching reforms does not come from provincial Governments. To take the two most conspicuous instances, no local Government could from the nature of the case have initiated the policy of the educational reforms of 1901, or of the police reforms of 1903. Neither is correctly speaking a policy of centralization. The Simla Conference, at which all shades of opinion found a hearing, initiated proposals in every branch of education and formulated lines of policy which local Governments are engaged in adapting to their individual needs. The Government of India were confronted with a conflict of systems, for which they found no justification in the administrative severance or in the local conditions of separate provinces and areas. It was right that the educational system of the country should have elasticity, flexibility, and variety, but it would lose half its force if its different component parts were not inspired by a common principle and directed to a common aim. The appointment of the Police Commission again was a measure of a similar type. It was the only possible agency by which a comprehensive series of reforms could have been worked out. The conditions of police service, police machinery and police functions must necessarily be fairly uniform throughout the Empire ; and the experience of years had shown that many local Governments, sensible of their own deficiencies, had already planned reforms beyond their powers. They had neither the money nor the authority to work on comprehensive lines ; and in the records of the Government of India their failure was abundantly written. It was time therefore for the only authority which had the means and courage required to face the problem to undertake its solution.

Other considerations than those of the mere magnitude of the larger reforms lend their effect in the same direction. The steady development of India and the vast improvement of communications which tends day by day to bring its various parts into closer relationship, inevitably operate to increase the need for uniformity in many matters which can only be secured by the control of a central authority. The interests of trade demand that reasonable uniformity shall be secured in such matters as the control of explosives, steam-boilers, petroleum, arms, carbide of calcium and poisons. In respect of these only the Government of India can secure uniformity either by making the rules themselves, where they have the legal power, or, where they have not, by framing model rules and instructing local Governments to conform with them. Wherever either of these processes has been adopted, the utmost care has been taken to provide by means of supplementary rules for the adaptation of general principles to local conditions. A similar case is that of rules affecting shipping. It would be an intolerable hindrance to commerce if the master of a ship were expected to conform with different sanitary rules at each port which he entered ; but here again the Government of India and they alone are in a position to secure uniformity. It has been already explained how progress in the advance towards Western methods has led within recent years to the organization of small expert departments for the purpose of dealing efficiently with such matters as penal administration, curative medicine, insanity, and medico-legal investigations. These services again are too small to be appropriately conducted

on a provincial basis, and their administration must therefore rest with the central authority. It is needless to multiply examples further. In the opinion of the Government of India, their functions and those of local Governments are essentially different, and it is from the Supreme Government alone that initiative, the suggestion of change, the custody of principles, and the enforcement of such uniformity as practical requirements demand naturally and inevitably proceed. These are matters which lie beyond the circumscribed powers and horizon of provincial Governments; and even if it were not so, they would be obscured in the absorbing routine of local administration.

The Government of India, however, are prepared to go further than this: and to assert the need for maintaining a superior scrutiny over the ordinary proceedings of provincial administrations. More especially is this the case when local Governments are called upon to deal with the misconduct of officers under their orders. Long experience has shown that subordinate authorities cannot be implicitly trusted to mete out justice to offenders drawn from their own Commissions. Were this the place to do so, a lengthy list of examples could be cited. But apart from instances of purely individual misbehaviour, the conduct of civil officers in several cases of collisions between Europeans and natives, and that of medical officers in relation to native chiefs may be taken as typical of the class of cases which the Government of India have in mind. It may be that the existence of a higher tribunal, which will exercise the responsibility and incur the odium of a final decision, has an enervating effect. In the experience of the Government of India at least irregularities are attempted and rules are broken and offences are condoned by lower authority in a manner which renders the existence of overruling authority indispensably necessary. It is possible that want of finality tends to depress the standards applied in intermediate orders, and that greater powers would be accompanied by a finer sense of responsibility. But taking conditions as they find them, the Government of India consider that the canons of sound government demand that they shall exercise a somewhat searching scrutiny. Nor can they admit that the shock whether of surprise or resentment, which the revision of its orders may communicate to the local Government, is commensurate with the advantage of maintaining proper standards of public conduct. The exercise of such scrutiny, however, is a process not of usurpation of functions, but of insistence on their proper exercise by those to whom they pertain.

The policy which has been characterized as centralization is thus seen to be one partly of adaptation of means to ends, partly of legitimate and responsible control. It has been inspired by no disregard for the authority of local Governments nor has any local Government resented it on this ground. Its single aim has been to secure efficiency and to raise the general level of government. In no spirit of vain-gloriousness, but as a plain statement of fact, it may be said that, during the past seven years, reform has been carried through every branch and department of the administration. Abuses have been swept away; anomalies remedied; the pace quickened, and standards raised. The policy has not always been a popular one; but it has been invariably wholehearted and sincere. There are times in the history of politics when the administrative machinery requires to be taken to pieces and overhauled and readjusted to the altered necessities and growing demands of the hour. The engines are not working to their scheduled capacity: the engineers are perhaps slack. Such times are periods of unusual activity and abnormal toil. If the policy of

Lord Curzon's Government has imposed a heavy strain upon the public services throughout the Empire, its authors can at least claim that they themselves have not shrunk from a fair share of the burden. The task is nearly done, but the Government have no wish to claim premature credit for measures as yet only recently introduced, to which the full test of experience has still to be applied. In any case the business of the present review is one of simple narration rather than of either encomium or defence. The final justification of the policy must in any case rest with the future, and to the future its authors are content to leave it.

PART II.

DEPARTMENTAL HISTORY.

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CHAPTER I.

INTRODUCTORY.

1. *Periods of Lord Curzon's Viceroyalty.*—His Excellency the Right Honourable George Nathaniel, Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., took his seat as Viceroy and Governor General of India at Calcutta on January 6, 1899. On April 30, 1904 when he temporarily vacated office by departing from India with intent to return to Europe, Lord Curzon was, in pursuance of the provisions of section 50 of the Indian Councils Act, 1861, succeeded by His Excellency the Right Honourable Arthur Oliver Villiers, Baron Ampthill, G.C.I.E., Governor of the Presidency of Fort St. George. Lord Curzon returned to India in December 1904 and took his seat as Viceroy and Governor General a second time at Calcutta on December 13, 1904. He resigned his office on August 21, 1905, and left India on November 18, 1905.

2. *Home Members of Council.*—During this time the Members of Council in charge of the Home Department were the Honourable Sir Charles Rivaz, K.C.S.I. (for whom the Honourable Mr. Denzil Ibbetson, C.S.I., acted during four months of 1899-1900) up to March 4, 1902, and the Honourable Sir Denzil Ibbetson, K.C.S.I. (for whom the Honourable Mr. J. P. Hewett, C.S.I., C.I.E., acted for four months in 1904) until the end of February 1905. By a temporary and informal arrangement made in May 1903 Sir Denzil Ibbetson was relieved of some of the work of the Home Department by the courtesy of the Honourable Sir Arundel Arundel, K.C.S.I., Public Works Member of Council. In consequence of the redistribution of business which attended the formation of the Commerce and Industry Department, Sir Denzil Ibbetson became on March 1, 1905, Member in charge of the Revenue Department only and Sir Arundel Arundel then became Home Member of Council.

3. *Home Secretaries.*—The Secretaries to the Government of India in the Home Department during the same period were Mr. J. P. Hewett, C.S.I., C.I.E., and Mr. H. H. Risley, C.S.I., C.I.E. During Mr. Hewett's absence on the Plague Commission, Mr. A. H. L. Fraser, C.S.I. (now Sir Andrew Fraser, K.C.S.I.), officiated for him. Mr. A. Williams, Deputy Secretary, also acted for Mr. Hewett for short periods in 1901 and 1902. Mr. Risley proceeded on three months' privilege leave in May 1905, and Mr. M. Hammick, C.I.E., officiated in his place for a short time, but was unexpectedly compelled by private reasons to return to his substantive appointment in Madras. Mr. H. A. Stuart, C.S.I., then officiated as Secretary during the remainder of Mr. Risley's leave.

4. *Home Deputy Secretaries.*—Up to 1904 the Deputy Secretaries were Mr. H. Luson, Mr. H. J. McIntosh, Mr. A. Williams, and Mr. R. Nathan, C.I.E. Mr. H. A. Stuart was also Deputy Secretary for a short period in 1902 and Mr. W. S. Marris for a short period in 1904. On Lord Curzon's return to India in December 1904, Mr. Nathan was appointed Private Secretary to His Excellency and Mr. Marris was appointed as Deputy Secretary. During the latter's absence on three months' leave in 1905, Mr. J. B. Brunyate officiated for him. Mr. H. G. Stokes also acted as Deputy Secretary for a short time in September 1905.

5. *Home Under Secretaries.*—The Under Secretaries were Mr. R. Nathan, Mr. F. S. Cowie, Mr. W. S. Marris, and Mr. H. G. Stokes. Mr. J. C. Fergusson also acted as Under Secretary for a short time in 1904, and was permanently appointed in December 1904. Mr. P. L. Barker and Mr. A. J. Talbot also acted in short temporary vacancies in 1904 and 1905, respectively.

CHAPTER II.

ADMINISTRATIVE.

1. *Emoluments of high officials.*—Representations made by the heads of two provinces led the Government of India in 1903 to take up the question of the present sufficiency of the emoluments of certain high officers of Government. Evidence was laid before them which showed indubitably that in certain cases the incumbents of high appointments, if not actually out of pocket, were no whit the gainers financially during their term of office. Holding as they did that when a man after many years of arduous service has risen to a post of such exceptional dignity and responsibility as that of head of a province, it was, as a tangible result of such achievement, but just and fitting that he should be able to retire with reasonable savings, Lord Curzon's Government determined to address the Secretary of State with a view to securing such a result in the case of the two high officials hitherto most adversely affected—the Lieutenant-Governor of Bengal and the Chief Commissioner of the Central Provinces. On behalf of the former they proposed an addition of Rs. 1,500, and on behalf of the latter an addition of Rs. 1,000 per mensem, to the provincial sumptuary allowance. They recommended also that ex-Lieutenant-Governors should be allowed to draw special additional pensions of £100 for every completed year of office subject to a maximum of £500. Finally they invited attention to a confidential minute by His Excellency Lord Curzon upon the question of the sumptuary expenses of the office of Governor General, which have increased so greatly in recent years as to leave no margin of salary over expenditure, and they proposed that the emoluments of the Governor General should be increased by Rs. 4,000 a month.^a In reply the Secretary of State sanctioned the increased sumptuary allowance proposed for the Lieutenant-Governor of Bengal, and agreed to raise the salary of the Chief Commissioner of the Central Provinces by Rs. 1,000 a month from the date on which Berar was added to his charge. Preferring to maintain the principle of equality of annuities upon retirement among civil servants, he declined to sanction an enhanced scheme of pensions for retiring Lieutenant-Governors; and on the ground that the post of Viceroy was one in which it was not necessary to arrange that the official emoluments should admit of saving, he intimated that he was indisposed to alter the terms on which it was at present held.^b

The Hon'ble Sir J. Thomson, K.C.S.I., while acting in 1904 as Governor of Madras, represented that he should in virtue of his acting office be exempted from the obligation imposed by his covenant as a member of the Indian Civil Service to contribute to the civil and annuity funds, or if not that he should receive similar treatment in respect of his salary as Governor to that which had been extended to Members of Council. The matter was referred by Lord Ampthill's Government to the Secretary of State who replied in March 1905 that he could not accept either contention,^c and Lord Curzon's Government communicated the decision to the two presidential Governments.

2. *Leave to high officials.*—In September 1902 the Government of India strongly represented to the Secretary of State that, in the interests of the individual and of the State alike, the law should be so amended as to permit the Viceroy, the Commander-in-Chief, and the two presidential Governors to take leave once during their terms of office for three months with the sanction of

(a) *F. and C. desp. no. 16, d. Feb. 5, 1903.* (60.)

(b) *Desp. no. 91 (Pub.), d. Aug. 12, 1903.* (61.)

(c) *Desp. no. 26 (Fin.), d. Mar. 10, 1905.* (62.)

the Governor General in Council and the Secretary of State in Council.^a Lord George Hamilton replied that the present was an inopportune time for proposing legislation on the subject to Parliament, but that the suggestions would be borne in mind with a view to their consideration when a suitable occasion arose.^b

3. *Mourning for high officials.*—In August 1900, at the instance of the Government of Bombay, the Government of India determined the ceremonies to be observed on the occasion of the death of any high official, and communicated detailed orders on the subject to all local Governments.

4. *Presidential Governments.*—In September 1899 Lord Curzon's Government addressed the Secretary of State in an important despatch urging that legislation should be undertaken to remove the differences at present distinguishing the presidential Governments of Madras and Bombay from other local Governments in India. They advocated the abolition of the two executive Councils, the reduction of the status of Governor to that of Lieutenant-Governor (or as an alternative the raising of the present Lieutenant-Governors to Governors), and the abolition of the system of direct correspondence between the two Governors and the Secretary of State.^c Her Majesty's Government were, however, unwilling to propose to Parliament the large measure of legislation necessary to give effect to these proposals, and the matter dropped.

In 1903 the minor question arose whether the Governor of a presidency can properly be regarded as the representative of the Sovereign, and entitled as such to be received with the national anthem and to employ the royal insignia.^d The Secretary of State entirely accepted the Government of India's view (based on former orders which had been locally overlooked) that the Viceroy and Governor General was the only representative of the Crown in India, and addressed the two presidential Governments in this sense.^e

5. *Lieutenant-Governorships and Chief Commissionerships.*—The various appointments made to the charge of provinces during Lord Curzon's administration may here be mentioned. On November 14, 1901 Sir Antony MacDonnell, G.C.S.I., who had served with great distinction for six years as Lieutenant-Governor of the United Provinces, retired, and was succeeded by Sir James LaTouche, K.C.S.I. On March 25, 1902 Sir Mackworth Young, K.C.S.I., made over charge of the Lieutenant-Governorship of the Punjab to Sir Charles Rivaz, K.C.S.I., formerly Home Member of Council. On November 21, 1902 a sudden vacancy occurred in the Lieutenant-Governorship of Bengal owing to the unfortunate death of Sir John Woodburn, K.C.S.I. The Hon'ble Mr. J. A. (afterwards Sir James) Bourdillon was appointed temporarily as Lieutenant-Governor until the completion of the labours of the Police Commission set Sir Andrew Fraser, K.C.S.I., free to take up the charge of Bengal in November 1903. In April 1903, Sir Frederic Fryer, K.C.S.I., resigned, and Sir Hugh Barnes, K.C.S.I., K.C.V.O., was appointed to succeed him as Lieutenant-Governor of Burma. Sir Hugh Barnes retired in May 1905 and Sir Herbert Thirkell White, K.C.I.E., was appointed in his stead. In April 1905 Sir Charles Rivaz proceeded on medical leave for six months to England, and Sir Denzil Ibbetson, K.C.S.I., Revenue Member of Council, was appointed to officiate for him.

(a) *H. D. desp. no. 75, d. Sep. 18, 1902.* (63.)
(b) *Desp. no. 44 (Pub.), d. Apr. 24, 1903.*

(c) *H. D. desp. no. 59, d. Sep. 28, 1899.* (64.)
(d) *H. D. desp. no. 19, d. Apr. 30, 1903.* (65.)
(e) *Desp. no. 74 (Pub.), d. June 26, 1903.*

The Chief Commissionership of the Central Provinces was held by the Hon'ble Mr. Denzil Ibbetson, C.S.I., from July 1898 to March 1902, but from November 1899 the Hon'ble Mr. A. H. L. Fraser, C.S.I., acted for him. Mr. Fraser was confirmed in the appointment in March 1902. In September 1902 the Hon'ble Mr. J. P. Hewett, C.S.I., C.I.E., acted for Mr. Fraser and was confirmed in November 1903. Mr. Hewett went on leave in March 1904, and the Hon'ble Mr. F. Lely, C.S.I. (afterwards Sir Frederic Lely) was appointed to act. Mr. Lely was afterwards confirmed as a temporary measure in December 1904 pending the arrival of the Hon'ble Mr. J. O. Miller, C.S.I., who was substantively appointed in May 1905.

The charge of the Chief Commissionership of Assam was held by the Hon'ble Mr. H. J. S. (afterwards Sir Henry) Cotton till October 1902, when the Hon'ble Mr. J. B. Fuller, C.S.I., C.I.E., who had acted temporarily on two previous occasions, was appointed to succeed him. When Mr. Fuller took leave for three months in 1903 the Hon'ble Mr. C. W. Bolton, C.S.I., was appointed to officiate in his place.

On October 16, 1905 the Chief Commissionership of Assam was converted into the Lieutenant-Governorship of Eastern Bengal and Assam and Mr. J. B. Fuller was appointed as the first Lieutenant-Governor.

6. *Use of titles.*—In 1901 Lord Curzon's Government represented to the Secretary of State that it was desirable to recognise in future official practice and documents the combined title of Viceroy and Governor General^a: but Lord George Hamilton preferred to maintain the two titles as distinct, on the ground that they connoted different attributes and that some risk of uncertainty in interpretation might attend the adoption of the proposal to combine them.^b

It was decided in May 1900 to permit the use of the style of "Honourable" to be borne by the Chief Commissioners of the Central Provinces and Assam, the Residents at Hyderabad and in Mysore, and the Agents to the Governor General in Rajputana, Central India and Baluchistan. A similar designation was conferred in 1901 on the Chief Commissioner of the new frontier province.

7. *Pensions of Members of Council.*—In May 1899 the Secretary of State suggested that, in view of the difficulties felt in inducing qualified candidates to accept the post of Legal or Finance Member, it might be advisable to attach a pension of £1,000 to the office after a seven years' tenure of it.^c The Government of India accepted the general conclusion, but proposed that seven years' tenure should be the exception rather than the rule, a pension of £750 being given after five years' service in Council. They suggested that if the retiring Member drew pension or pay from other services, Indian revenues should be proportionately relieved of the charge of his pension as Member.^d Somewhat to their surprise the Secretary of State greatly modified his original proposals, and consented only to a pension of £750 after five years' service without extension.^e The Government of India accepted this modification, but demurred to the promulgation of the new orders if it was not intended that they should apply to the case of the then in-coming Finance Member.^f The matter then dropped, and has not since been officially revived. In 1901 the Secretary of State discussed

(a) H. D. desp. no. 80, d. Aug. 22, 1901. (66.)

(b) Desp. no. 161 (Pub.), d. Nov. 29, 1901.

(c) Desp. no. 61 (Pub.), d. May 11, 1899.

(d) F. & C. desp. no. 266, d. July 27, 1899. (67.)

(e) Desp. no. 4 (Pub.), d. Jan. 2, 1900.

(f) F. & C. desp. no. 55, d. Feb. 22, 1900. (68.)

with the Government of India the date from which the five years' tenure of office by a Member of the Viceregal or any of the other Councils in India should be reckoned. It was decided that the period should run from the date on which the Member first drew the full pay of the office."

8. *Tours of Members of Council.*—In May 1903 the Secretary of State revived the question of laying down precise rules to regulate the tours of Members of Council. He suggested that there should always be a quorum of Members present at head-quarters; that no tour should be undertaken by a Member of Council without some specific object, approved by the Governor General in Council; that a precise itinerary should be laid down, and that journeys should be strictly limited as to time. He also thought that in no case, save for the most exceptional reasons, should a departmental secretary be allowed to tour.⁵ The reply of Lord Curzon's Government showed that no quorum was legally necessary, nor was departmental work impeded by the collective absences of Honourable Members. They emphasized the advantages of tours but agreed that they should be so regulated as to be free from the least suspicion of being lightly undertaken or a detriment to the progress of public affairs. They thought that the details of any tour should be settled by the Honourable Member in consultation with the Governor General, and not by the Governor General in Council; and for this reason they deprecated the issue of any rules. At the same time they agreed to record certain broad principles for the guidance of the Governor General. They thought that not fewer than three Members should always be present at head-quarters as soon as business has resumed its course after the move to or from Calcutta; that a tour should not ordinarily exceed three weeks; that it should not be undertaken (except in cases of a temporary holiday in the interests of health) without some specific object; that an itinerary should be circulated after being approved by the Viceroy; and that when the Indian army is engaged in military operations on or beyond the frontiers, the Military Member should desist from touring. These general principles would not apply to the tours of the Commander-in-Chief, nor to the short intervals which occur twice a year on the occasion of the move from Calcutta to Simla, or *vice versa*. The Government of India agreed that secretaries should tour only in very exceptional circumstances, and that no secretary should be absent on tour at the same time as the Member in charge." These proposals were accepted by the Secretary of State, and the Home Department has been made responsible for seeing that they are observed.

9. *New department*—One of the greatest reforms of the past septennium was initiated by a Minute, dated July 4, 1903, in which Lord Curzon raised the question of strengthening the Council of the Governor General and of redistributing the subjects with which it is called upon to deal so as to enable it to cope with the great and unarrested increase of public business during recent years. The objects immediately in view were to relieve the Honourable Member in charge of the Home and Revenue and Agricultural Departments of his excessive burdens and to provide more directly for commercial and industrial needs as well as for a reorganized system of railway management. After careful consideration of the question between the departments, the Government of India addressed the Secretary of State in October 1903. They represented that the volume of work which they were called upon to transact was such as was nowhere in the world conducted by a body of high officials so small in numbers: indeed that no comparison was possible, for nowhere else in the world were the affairs of nearly three hundred millions of people controlled according to

(a) { *Desp. no. 25 (Public), d. Feb. 8, 1901.* (69)
H. D. desp. no. 64, d. June 20, 1901. (70)

(b) *Desp. no. 56 (Public), d. May 16, 1903.* (71)
 (c) *H. D. desp. no. 56, d. Sep. 17, 1903.* (72).

the standards of western civilisation by a single Government or executive body. They observed that owing to its peculiar conditions, India presented not only the most complex and difficult problems of internal administration, but also military and foreign questions of international importance : that in a country where the Government is invested with supreme responsibility for every branch of public activity, great subjects, such as railway administration, commercial and industrial development, and many other questions which in more advanced countries are committed to private enterprise, often require to be undertaken and always to be assisted or controlled by the executive Government. Finally, they pointed out that for the last twenty years this onerous burden had rested upon a cabinet of seven persons in all, or, omitting the Commander-in-Chief and the Military Member, of five persons, including the Viceroy ; and that the task had already been found excessive a quarter of a century ago when a Council of six, instead of five, Ordinary Members was held to be required. For these reasons the Government of India urged that the business which came before them could no longer be satisfactorily disposed of by a Council of only five Members. They suggested the following remedies as the best which, after anxious consideration, it seemed to them possible to devise :—

- (1) that a new department of the Government should be formed to be called the Department of Commerce and Industry, under the charge of a sixth Member of Council with a secretary on Rs. 3,000 and an under-secretary on Rs. 1,300. The new department should deal with all mercantile and industrial matters, such subjects of this character as were at present handled in the Home, Revenue or Finance Department being transferred to it ;
- (2) that the Home and Revenue Departments should each form the single charge of a Member of Council and that the latter department should have two secretaries and should take over the civil work of the Public Works Department, the remaining functions of that department being transferred to a railway board ;
- (3) that in lieu of the commercial bureau proposed in earlier correspondence with the Secretary of State, a Director-General of Commercial Intelligence should be appointed who would take the place of the Director-General of Statistics and would act as an intermediary between the new Member of Council and the mercantile public and would be aided by an Assistant Director of Statistics on Rs. 700—50—1,000 ;
- (4) that the Public Works Department as at present constituted should cease to exist.*

The Secretary of State accepted the proposals made to him in their entirety though in commenting on the sources from which it was proposed to recruit the sixth Member of Council he laid particular stress on the importance of administrative experience as a qualification for the post.^b Under the law as it stood, however, it was not possible to give effect to the scheme in its entirety until the restriction imposed by the Indian Councils Act, 1874, to the effect that the sixth Member of Council, if appointed, should be called “ the Member of Council for Public Works purposes ” and should be primarily charged with the direction of public works, had been removed by parliamentary legislation. The Councils Act of 1874 was accordingly amended by the Indian Councils Act, 1904 (4 Edw. 7, Cap. 26), passed during the 1904 session of Parliament.

The changes decided on were then notified in a resolution of March 1, 1905, which announced that the Public Works Department would cease

(a) H. D. desp. no. 61, d. Oct. 1, 1903. (2)

(b) Desp. no. 176 (Public), d. Dec. 16, 1904. (79)

to be the title of a department of the Government of India but would be retained as the designation of a service, and that the engineers belonging to it would be members either (a) of the Public Works Department (railway branch) or (b) of the Public Works Department (civil works branch). The former branch would be placed under the Railway Board : the latter under the Department of Revenue and Agriculture. The secretary who would in future have charge, under the direction of the Revenue Member, of civil works, irrigation, and other branches of public works business not transferred to the Department of Commerce and Industry or included under railways would be designated the Secretary in the Department of Revenue and Agriculture (civil works), the present Secretary in that Department being called the Secretary in the Department of Revenue and Agriculture (revenue). The business under the control of the first-named Secretary would be submitted by him directly to the Member in charge and not through the Secretary in the Department of Revenue and Agriculture (revenue). To this extent the present Public Works Department would retain its separate existence. The appointment of the Hon'ble Mr. J. P. Hewett, C.S.I., C.I.E., as Member in charge of the new Department of Commerce and Industry, was also announced.^a The creation of the Railway Board was notified in separate orders issued by the Public Works Department in February 1905. Subsequently the attention of the Government of India was drawn to the fact that there were legal difficulties in the way of the abolition of the title of Public Works Secretary and the designation of the Public Works Department was accordingly restored.^b The record of the new Department of Commerce and Industry, since its inauguration in March last, is being separately written.

10. *Territorial changes.*—Of the redistributions of territory effected during the administration of Lord Curzon three are of the first importance. One is the formation of the North-West Frontier Province ; the second is the amalgamation of the Hyderabad Assigned Districts with the Central Provinces ; and the third is the partition of Bengal and the creation of the new Lieutenant-Governorship of Eastern Bengal and Assam. The political considerations which led to the initiation of the two former measures belong properly to the record of the Foreign Department ; the Home Department is concerned chiefly with the manner in which the changes were effected.

(a) *North-West Frontier Province.*—The system by which the affairs of the north-west frontier of India were administered directly under the orders of the Punjab Government and not those of the Supreme Government had for some years occasioned disquietude both to Her Majesty's Government and to the Government of India. In August 1900 Lord Curzon, who had special knowledge of the features of the problem, wrote a minute in which he set forth the mischief of the existing system and the direction in which he conceived that a remedy should be sought. He pointed out that the Governor General who was directly responsible for the conduct of foreign affairs, was in practice hampered in handling the most emergent and important branch of them by the interposition of a subordinate Government—an influential but not necessarily an expert medium. Worked as it had been with loyalty and devotion, the system had yet resulted in friction, divided counsels, vacillation, exaggerated centralisation and interminable delay. It had not yielded a continuous policy nor saved India from frontier expeditions and wars. His Excellency proposed, therefore, to constitute a new province, to be administered by a Chief Commissioner directly under the Government of India, comprising as nearly as possible the territorial area inhabited by a Pathan population. The Government of India cordially

(a) H. D. resn. nos. 539—569, d. Mar. 1, 1905. (3)

(b) H. D. resn. nos. 2669—2701, d. Aug. 9, 1905.

adopted the proposal and it was approved by the Secretary of State at the end of the year 1900. A scheme of administration for the new province was accordingly drawn up by officers deputed for the purpose and was adopted by the Government of India. A proclamation was then issued in the name of the Viceroy and Governor General in Council declaring that, with effect from November 9, 1901, the following areas were detached from the Punjab and constituted the North-West Frontier Province:—(i) three tahsils of the Hazara district; (ii) the Peshawar district; (iii) the Kohat district; (iv) two tahsils of the Bannu district; (v) the greater part of three tahsils of the Dera Ismail Khan district.^a In consultation with the local Government the divisions in the Punjab were in consequence reconstituted and reduced in number from six to five. A new district, designated Mianwali, was formed out of the remaining tahsils of the Bannu and Dera Ismail Khan districts. The new province thus constituted is administered by a Chief Commissioner directly under the orders of the Government of India. He is assisted by a Judicial and a Revenue Commissioner, an Administrative Medical Officer and an Inspector-General of Police. For the present the officers of the new province are supplied from the Punjab Commission; but the question of the amalgamation of the appointments in it with the Political Department as a whole is under consideration. When the province was first constituted the control of several of the heads of business which in more settled territories are the concern of the Home Department was retained under the control of the Foreign Department; but towards the end of October 1904 it was felt that this reservation was no longer necessary, and the Home Department was made responsible for all classes of business in the new province which were its concern elsewhere in British India, with the exception of those relating to border military police, the Arms Act, the civil medical service; judicial and administrative establishments, and *jirgas*.^b This decision was so far rescinded in 1905, as to leave the decision of all appeals from judicial sentences with the Foreign Department. Thus so far as the Home Department is concerned the subsequent history of the Frontier Province is practically merged in that of the rest of British India. From a political point of view it is sufficient to add that its inauguration has been justified by a period of unprecedented tranquillity and order upon the north-west frontier. The creation of the new province afforded strong reasons for changing the designation of the territories known as the North-Western Provinces and Oudh, a designation which had existed unchanged since the days when the Jumna formed the north-west boundary of British India. In consultation with Sir Antony MacDonnell, the Lieutenant-Governor, it was decided that they should be known in future as the United Provinces of Agra and Oudh, and that the office of Chief Commissioner of Oudh should simultaneously be abolished. A proclamation effecting these changes was issued on March 22, 1902,^c and a short bill recognising them for legislative purposes was passed into law shortly afterwards.

(b) *Berar*.—In 1903 their acquisition of permanent control over Berar made it necessary for the Government of India to determine the place of that territory in the administrative system of British India. The similarity of the Berar revenue system to that of Bombay suggested an amalgamation with the latter presidency, but geographical, political and administrative considerations made the Government of India decide in favour of union with the Central Provinces.^d The Secretary of State accepted the proposals made to him and Berar came under the charge of the Chief Commissioner with effect from October 1, 1903. The details of the elaborate internal changes which the transfer involved were then considered. The Govern-

(a) Proclamn. no. 5750, d. Oct. 25, 1901. (74)
(b) For. D. letter no. 4133-F, d. Oct. 29, 1904.

(c) Proclamn. no. 996, d. Mar. 22, 1902. (75)
(d) H. D. desp. no. 27, d. June 18, 1903. (76)

ment of India directed that no substantial change should be made in the law pending further experience of the new province, and that even then the rights and privileges of the people of Berar should be respected. The Chief Commissioner was requested in particular to take up the question of securing greater economy in the cost of government. The various administrative questions involved were worked out by a special committee and laid before the Government of India in 1904. No reduction of the divisions or districts of the Central Provinces was attempted, but the districts in Berar were reduced from six to four, constituting a fifth division of the Central Provinces. The amalgamation of the two separate Commissions was not directly feasible in view of the difficulty of adjusting individual claims, but separate recruitment for Berar was stopped, and future recruitment will be based on the requirements of both portions of the province. The larger cadre of the Central Provinces will thus gradually absorb the other. The arrangements adopted for judicial, medical and police work will be described separately. In the case of the provincial service there was no obstacle in the way of complete amalgamation and this was accordingly effected. On the whole a net saving of some Rs. 20,000 a year was anticipated from the amalgamation. That no larger measure of economy could be attained was due to the fact that the savings resulting from the transfer of the administration to Nagpur and the reduction of the district charges were absorbed by the imperative need for bettering the judicial organization. Improved administration rather than reduction of expenditure was the principal benefit which the Government of India could hope to confer on Berar on its incorporation with the administrative system of British India.^a The proposals were approved by the Secretary of State in March 1905.^b

In connection with the question of the future of Berar Lord Curzon's Government debated the question whether it would be advisable to transfer Sind from Bombay to the Punjab: but (Sir Denzil Ibbetson alone dissenting) they decided not to recommend this change to the Secretary of State, on the ground that neither the interests of Sind nor those of the Punjab would really be advanced by the transfer; and that the proposal to attach Berar to the Central Provinces rather than to Bombay would deprive them of the means of offering the compensation which the latter presidency would certainly demand if Sind were severed from it.^c

(c) *Eastern Bengal and Assam*.—A measure of even greater importance which Lord Curzon's Government undertook was the redistribution of certain of the territories of the eastern and north-eastern provinces of India. They were led to take up this question by the constantly accumulating evidence of the excessive and intolerable burden imposed upon the Bengal Government by a charge too great for any one administration, and of the consequent deterioration in the standards of government, and on the other hand by the importance of rendering Assam a self-contained and independent administration, and of providing for its commercial and industrial expansion. These considerations resulted in the formulation of a scheme for the readjustment of the territorial boundaries of both provinces, and in December 1903 the Government of India invited full public discussion of the following proposals, *viz.*,—(1) the transfer of the Chittagong division and Hill Tippera, Dacca, and Mymensingh from Bengal to Assam, (2) the transfer of most of the Chota Nagpur division to the Central Provinces, (3) the transfer of most of the Sambalpur district and certain feudatory states from the Central Provinces to Bengal, (4) the transfer of the Ganjam district and the Agency tracts from Madras to Bengal.^d The

(a) *F. & C. desp. no. 47, d. Feb. 2, 1905.* (77.)
(b) *Tel. d. Mar. 28, 1905.*

(c) *H. D. desp. no. 27, d. June 18, 1903.* (76.)
(d) *H. D. letters nos. 3678—51, d. Dec. 3, 1903.* (78.)

criticism which was invited, and which was freely and usefully bestowed upon these proposals, justified substantial alterations in the original plan, and led in the end to the abandonment of the second and fourth proposals. Reasons of administrative expediency were opposed to the transfer of Ganjam from the Government of Madras. Commercial considerations were mainly responsible for the continued retention of Chota Nagpur under the Government of Bengal. Accordingly the only changes decided upon in the territories bordering upon Bengal and the Central Provinces were the transfer to the latter of the five native states hitherto attached to Chota Nagpur, and forming a solid block of territory with a Hindi-speaking population, on the west of the districts of Palamau and Ranchi; and the transfer of most of the Sambalpur district and five Uriya-speaking states and from the Central Provinces to the Orissa division of Bengal.

These proposals were, however, of minor importance compared with the major changes since decided on, which involved the creation of a new administration of the first class out of certain divisions of Bengal, together with the territories hitherto administered by the Chief Commissioner of Assam. The discussion elicited by their letter of December 1903 had convinced the Government of India that, large as were their proposals, they were not large enough if satisfaction were to be given to the feelings of those who were alarmed at the possible deprivation of long enjoyed and valued privileges. These sentiments attracted the earnest attention of the Government of India; and in February 1904 Lord Curzon, in a series of speeches delivered in reply to public addresses at Chittagong, Dacca, and Mymensingh, foreshadowed the willingness of Government to consider a wider project involving the creation of a Lieutenant-Governorship with a legislative council and an independent revenue authority. A scheme was accordingly submitted by the Lieutenant-Governor for the amalgamation with Assam of the Chittagong and Dacca divisions, and the districts of Pabna, Bogra, and Rangpur in Bengal. This proposal did not seem to the Government of India to be proportionate to the scope of the important administration which it was now contemplated to create, nor would it have given to Bengal the relief required. Accordingly they proposed to increase the transferred area by the districts of Rajshahi, Dinajpur, Jalpaiguri, Malda, and the state of Cooch Behar. These additions would constitute a new province with a population of over 31 millions, while leaving Bengal with a little more than 54 millions; they would provide a clearly defined western boundary corresponding with well-recognised characteristics, geographical, ethnological, social, and linguistic; they would concentrate in a single province the typical Muhammadan population of Bengal, for whom Dacca would furnish a natural metropolis; and they would bring nearly the whole of the tea industry and the greater part of the jute tracts under a single Government, and would leave long-established divisional areas undisturbed. The enlarged scheme was cordially accepted by both local Governments. It was submitted to the Secretary of State in February 1905 and sanctioned by him in its entirety in June of the same year.* The effect of changes may be summarised as follows:—A new province has been created, with the status of a Lieutenant-Governorship, consisting of the Chittagong, Dacca, and Rajshahi divisions of Bengal, the district of Malda, the state of Hill Tippera, and the present Chief Commissionership of Assam. In order to maintain associations which are highly valued in both areas, the province has been entitled Eastern Bengal and Assam. Its capital will be at Dacca, and it will have a subsidiary head-quarters at Chittagong. It comprises

(a) { *Il. D. desp. no. 3, d. Feb. 2, 1905.* (79.)
Desp. no. 75 (Public), d. June 9, 1905. (80.)

an area of 106,540 square miles and a population of 31 millions, of whom 18 millions are Muhammadans and 12 millions Hindus. It will possess a legislative council of fifteen members and a Board of Revenue of two members, and the jurisdiction of the High Court of Calcutta will be left undisturbed. The modified province of Bengal will consist of 141,580 square miles with a population of 54 millions, of whom 42 millions are Hindus and 9 millions Muhammadans. In short, the territories heretofore composing Bengal and Assam have been divided into two compact and self-contained provinces with clearly defined boundaries and the complete resources of an advanced administration.^a The proclamation effecting the change of territories was issued on September 1, 1905.^b The constitution of the new legislative council on lines similar to those adopted in Bengal, the personnel of the head-quarters staff, and the details of the remaining establishment required for the new province are, at the moment of writing, being settled in communication with the two local Governments concerned. An officer of secretariat experience has been placed on special duty to work out a complete scheme. A short formal Act providing for the exercise of the necessary powers by the authorities of the new province was passed in the Governor General's Council on September 29, 1905, and the province itself was formally inaugurated on October 16, 1905. Various representatives of commercial opinion in Calcutta have asked for a guarantee that no attempt will hereafter be made to replace the Calcutta High Court's jurisdiction over the transferred territories by that of any tribunal of inferior status. The Government of Lord Curzon have not of course been able to give a pledge which would bind their successors in office; but they have had no hesitation in expressing their own conviction, that should the time come when the development of the new province demands the institution of a separate tribunal, the claim will be satisfied only by the creation of a chartered High Court of status and powers equal to those enjoyed by the High Court of Calcutta.^c

(d) *Other changes.*—Within the limits of provincial boundaries various minor territorial changes have been made. In April 1904 the charge of the Rawalpindi district which was too heavy for a single office was reduced by the creation, out of portions of it and of the Jhelum district, of the new Attock district.^d Moreover the recent great development of the districts in the Irrawady delta in Burma made the constitution of a new district inevitable in the interests of efficient administration, and in June 1903 the Secretary of State sanctioned the partition of the Thongwa and Myaungmya districts into three districts to be called the Myaungmya, Maubin, and Pyapon districts respectively. The net recurring cost of this change was Rs. 89,000 per annum and the initial cost nearly three lakhs.^e Similarly the opening of railway communication recently necessitated the breaking up of the large area comprised in the Raipur and Bilaspur districts in the Central Provinces into three districts, at a recurring cost of 1·12 lakhs and an initial cost of 2·4 lakhs.^f More recently the Godavari, Kistna and Nellore collectorates in Madras were redistributed into four : and in this case a small outlying area of the Central Provinces was at the same time added to the southern presidency.^g This redistribution, however, was only an instalment of a larger project for the redistribution of the districts in Madras which has been for some time under consideration. In 1902 Mr. W. S. Meyer, C.I.E., was placed on special duty to work out a scheme. His proposals provided for the creation of three new districts and sixteen

(a) *H. D. resn.* no. 2491, d. July 19, 1905. (1.)

(b) *H. D. proclamm.* no. 2832, d. Sep. 1, 1905. (81.)

(c) { *H. D. letter* no. 2703, d. Aug. 11, 1905. (82.)

{ *H. D. letter* no. 3187, d. Oct. 2, 1905. (83.)

(d) { F. and C. desp. no. 249, d. Aug. 13, 1903.

{ Desp. no. 148 (Public), d. Dec. 11, 1903.

(e) { F. and C. desp. no. 84, d. Apr. 16, 1903.

{ Desp. no. 73 (Public), d. June 26, 1903.

(f) { F. and C. desp. no. 341, d. Nov. 5, 1903.

{ Desp. no. 8 (Public), d. Jan. 8, 1904.

(g) { F. and C. desp. no. 307, d. Oct. 1, 1905.

{ Desp. no. 36 (Public), d. Feb. 12, 1904.

divisions, but the changes already effected account for one new district and five divisions, so that the formation of two new districts and eleven new divisions remains for consideration. The Secretary of State has, however, insisted that the scheme shall be completed in all respects before submission to him and the Madras Government have at the moment of writing only recently perfected their proposals for regrading the superior executive and judicial services.

Two other schemes for territorial distribution which have recently received the approval of Lord Curzon's Government are the constitution of a new Lyallpur district out of portions of the districts of Jhang and Montgomery in the Punjab, and the division of the large district of Khandesh in Bombay into two separate collectorates.

11. *Proposed removal of the Punjab summer head-quarters.*—The constitution of the new frontier province (para. 10) led the Government of India in 1901 to consider whether the summer head-quarters of the Punjab Government, which had been translated to Simla in 1878 in order that the Lieutenant-Governor might be close at hand to advise the Supreme Government on frontier matters, should not be removed elsewhere. Regarding it as both in theory and practice undesirable that the Supreme Government and a local Government should anywhere be located in one and the same station for a lengthy portion of the year, they addressed the Punjab Government in June 1901, pointing out the disadvantages of the present situation and inviting opinion upon the propriety of terminating it. Sir Mackworth Young was strongly opposed to the proposal; but his successor, Sir Charles Rivaz, did not share his views, and further correspondence ensued which was directed to possible methods of procedure rather than to the principle of the change. In 1902 a small committee was appointed to visit Dalhousie, which was regarded as the most suitable alternative site for the summer residence of the Lieutenant-Governor, and to submit an estimate and report. Owing to a misconception of their instructions their recommendations were extravagantly framed, and it became necessary to convoke a second committee to revise them. The proposals of the latter committee, though certain members of Lord Curzon's Government regarded them as in some respects susceptible of reduction, were generally approved in the desire to accord to the local Government the most liberal treatment possible: and in September 1903 the Government of India were enabled to lay their proposals at length before the Secretary of State. The initial reasons which had led to its inception were, they observed, only the smallest part of the case in favour of the proposal. The risk that serious congestion would occur in Simla, with the attendant danger of serious epidemic infection, was emphasized by the opening of the railway from the plains. Such congestion would be appreciably relieved by the withdrawal of the Punjab Government and its attendant persons. The prestige of the local Government would benefit and the transaction of public business would not be retarded, if indeed it were not positively accelerated, by the withdrawal of the former. In the maintenance of his official position and the discharge of social obligations the Lieutenant-Governor would be relieved of a disproportionate burden. The municipal administration of Simla was unsatisfactory, and should, the Government of India considered, be placed under their immediate control. The conversion of Dalhousie into a well-equipped hill station would be a positive gain to residents in the western and central Punjab and a relief to other hill stations. Lord Curzon's Government then proceeded to refer to the considerations which told against their proposal. The move would be unpopular on individual and social grounds with the officers of the Punjab service, but personal interests could not be preferred

to public ones. It would be opposed also by house-owners and tradesmen in Simla, but these could look to recuperate themselves from the influx of visitors which the railway would bring. Clerks would find difficulties in educating their children at Dalhousie, but this drawback, common to all hill stations in their infancy, would speedily rectify itself. The arguments that could be adduced against the proposal were thus either personal in character or of transient effect, and the Government of India had no hesitation in declaring that they ought not to prevail. Finally Lord Curzon's Government dealt with the question of cost and showed that this would be materially reduced by the prospects of utilizing the buildings which would be vacated in Simla.^a The Secretary of State's reply reached India in April 1904. He doubted whether the measures proposed would effect what he regarded as the principal end in view, *viz.*, the relief of overcrowding in Simla, and referring to the report of the Extension Committee of 1898, he desired that the Government of India would further consider what action should be taken to this end.^b The reply of Lord Curzon's Government amounted to a forcible condemnation of the municipal system in its application to Simla. Reviewing the chain of events by which a small Himalayan village had been transformed into the summer capital of the Empire they demonstrated that the record was mainly one of congestion of population accompanied by outbreaks of characteristic disease which the municipal committee had invariably failed to check. The difficulties of divided authority, uncertain responsibility, financial dependence and executive weakness had attended all schemes in the past for the betterment of Simla, and were hampering the new improvements which the Government of India wished to effect (Chap. VIII, para. 8). On the other hand, the need for vigorous action was greater now than at any other time, seeing that—as a census taken in 1904 showed—the railway and new hotels were accelerating the growth of the population. For these reasons the Government of India concluded that a radical change was called for, and they proposed that the administration should be carried on under the direct authority of Government exercised through a single officer vested with the requisite powers. They referred to the case of Washington as affording an interesting parallel and an encouraging example, and they proceeded to sketch, on the lines of the American precedent, a scheme for administering Simla directly under the Government of India. For in view of the preponderating interests of the Government of India in Simla it followed inevitably in their opinion that the single central authority in whose hands it was desirable to concentrate control should be the central and not the provincial Government, a conclusion which carried with it as an inexorable corollary the removal of the Punjab Government from a station where it could no longer enjoy the chief administrative authority. These were the primary and essential features of the problem, but there were secondary considerations which tended to reinforce the same conclusion. The transfer of the Punjab Government would set free several large buildings which could be utilized economically to introduce urgent reforms in the despatch of public business. In confining themselves in the main to that aspect of the question to which the Secretary of State had directed attention, the Government of Lord Curzon guarded themselves against misapprehension by repeating that they still regarded the arguments adduced in their previous despatch as weighty elements in the case for disposal.^c The Secretary of State replied in July 1905. He accepted the conclusion that far-reaching measures of reform were needed. But he considered that the removal of the Punjab Government would not in itself afford material relief in the matter of overcrowding; and he defined the

(a) *H. D. desp. no. 59, d. Sep. 24, 1903. (84)*

(b) *Desp. no. 58 (Public), d. Apr. 1, 1904. (85)*

(c) *H. D. desp. no. 14, d. Mar. 30, 1905. (86)*

crucial issue in the case as being whether it was essential to the proper administration of the station that its supervision should be entrusted to an authority directly subordinate to the Supreme Government or should remain as at present in the hands of an authority under the Lieutenant-Governor. Upon this question he adhered to the view taken by the late Lord Salisbury in 1876 that the control should be left with the local Government. He thought that the attention of the Supreme Government was too much occupied with large and important problems for them to undertake to control the details of the administration of a local community; he referred to the cost of other large reforms already begun and he desired that the question of creating a new summer headquarters for the Punjab Government might be deferred to a more convenient season: meanwhile he suggested that the legislation necessary for the reform of the municipal administration of Simla should be undertaken in consultation with the Punjab Government.^a Mr. Brodrick's despatch was referred for the opinion of the officiating Lieutenant-Governor of the Punjab and reinforced by his adherence to their views the Government of India determined, subject to the concurrence of the incoming Governor General, to maintain their proposals and again to address the Secretary of State.

12. *Proposed removal of the United Provinces head-quarters.*—An examination of the question of the permanent arrangements to be made for the conduct of the judicial business of Oudh led the Government of the United Provinces to conclude that the best solution was to be found in the establishment at Lucknow of an amalgamated High Court for both portions of the province. The Lieutenant-Governor recognised that the location of the High Court at Lucknow would eventually involve the transfer of the seat of Government also from Allahabad to the minor capital: but instead of being deterred by this consequence, he was inclined to welcome it as being in itself of administrative advantage. Lucknow was far more central, and more politically important than Allahabad. It was a larger city and a larger military station. The Lieutenant-Governor was already compelled to make it practically a second plains headquarters and this arrangement was inconvenient and costly. Many Government departments were already located at Lucknow and Sir James La Touche considered that to establish the entire Government there would be in the interests of the people and promote the efficiency of the administration.^b Lord Curzon's Government were not persuaded by the arguments addressed to them. They dissented from the conclusion that more than one head-quarters were disadvantageous, and they did not think it politically expedient to allow the influence of the Oudh talukdars or the Lucknow city populace to dominate other interests. In addition they referred to the grievance which would be created at Allahabad, to the heavy cost of the proposals, and to the extreme undesirability of divorcing the seat of Government and the natural educational centre of the province. The question of transferring the administrative capital was accordingly dropped, and a solution of the problems of the judicial arrangements of Oudh was sought in another direction.^c (Chap. III, para. 22 (c)).

13. *Secretariat appointments.*—The great increase in work in the Home Department during the years 1896—1902 led the Government of India in March 1903 to ask for the appointment of an additional under-secretary and twelve more clerical assistants.^d The Secretary of State sanctioned these additions as a temporary measure for four years. He hesitated to regard the statistics relating to the growth of correspondence as evidence of a normal and permanent increase

(a) *Desp. no. 91 (Pub.), d. July 29, 1905.* (87.)
 (b) *U. P. letter no. 662, d. Aug. 1, 1904.* (88.)

(c) *H. D. letter no. 187, d. Feb. 2, 1905.* (89.)
 (d) *F. & G. desp. no. 64, d. Mar. 12, 1903.*

in work, and asked the Government of India to consider whether the principle of decentralization had been sufficiently observed.^a The question thus raised has been discussed in Part I of this book (p. 53).

Similar influences have affected local Governments in the same way, and the provincial secretariats also have, in various instances, been strengthened. In 1900 an under-secretary to the Assam Administration was appointed, and in 1901 the secretaryship to the Chief Commissioner was graded as a deputy commissionership. In 1902, the maximum pay of the third secretary in Burma was raised from Rs. 1,800 to Rs. 2,000. In 1903 one under-secretaryship to the Punjab Government was temporarily reduced, and the pay of the Chief Secretary was raised to Rs. 3,000. Later on one appointment as secretary was experimentally reduced for six months, and in its place the second under-secretaryship was revived. This arrangement was, with the Secretary of State's sanction, made permanent in 1905. The amalgamation of the Central Provinces with Berar has also necessitated the strengthening of the Chief Commissioner's secretariat: and a third secretary and a second under-secretary have been added to the staff for a period of three years. It is not improbable that before the expiry of that period it may become necessary to appoint a Financial Commissioner—an arrangement which would enable the secretariat to be again reduced. More recently the Lieutenant-Governor of Bengal suggested a reduction in the pay of the Chief Secretary, and the appointment of a civilian as private secretary. The latter proposal was recommended to and sanctioned by the Secretary of State. But the Government of India were unable to support Sir Andrew Fraser's recommendation that the pay of the Chief Secretary should be so reduced, as to enable the incumbent to be reverted, if necessary, to a commissionership without loss of pay. They were in sympathy with His Honour's desire to feel at perfect liberty to revert a Chief Secretary whom he might wish to remove; but they thought that this object should be attained, not by a reduction of the pay which really connoted the superior status and importance of the appointment, but by a definite declaration that the liability to revert at any time to the regular line is an essential incident not only of the Chief Secretaryship but of all secretaryships held under local Governments. This ruling was communicated to all the provincial administrations.^b

The constitution of the new province of Eastern Bengal and Assam has involved the creation of a chief secretaryship on Rs. 3,000, and two secretaryships, which are graded with collectors' appointments and carry local allowances of Rs. 250 each.

In January 1905, the Government of Lord Curzon decided that the appointment of secretaries to the Government of India should in future be made for a term of three years with an option to Government of extending the term. In the case of the appointment of a barrister as secretary in the Legislative Department it was decided that the question of exemption from the operation of this rule should be considered on the merits of the case when the situation arose.^c

At the beginning of 1905 additional shorthand writers and typists were appointed in the Home, Revenue and Military Departments with the object of saving the time and labour of heavily worked and highly paid officers of Government. Some of the existing allowances given to the regular clerks for proficiency in shorthand were at the same time reduced.

14. *Recruitment*.—The principles upon which the Government of India based their estimate of the number of Indian Civil Service officers annually required had been explained at length to the Secretary of State by Lord Elgin's

(a) Desp. no. 55 (Pub.), d. May 15, 1903.

(b) H. D. letter nos. 342-351, d. May 2, 1904. (90.)

(c) H. D. resn. nos. 62-63, d. Jan. 28, 1905. (91.)

Government. Lord George Hamilton replied in March 1899 accepting the general principles as sound, but making further enquiry regarding the number of reserve posts.^a Finally, in January 1900, the Secretary of State sanctioned the proposals which were then explained to local Governments for guidance. The scheme thus settled has the object of ensuring that an officer shall remain for two years under training and thereafter for six years in an "inferior" appointment, that is to say, a post on not more than Rs. 1,000, after which he shall occupy a superior appointment practically in permanency. Casualties are calculated at 4·31 per cent. per annum, and the number of inferior posts is estimated at 42·5 per cent. of the superior appointments, including a reserve of 4 per cent. for temporary appointments and deputations. Indents have since been framed annually on these principles. In 1903 the Secretary of State drew attention to the possibility of a block in promotion accruing in certain provinces.^b The Government of India replied that for the immediate present they did not apprehend a block; but as the data on which the standard calculations made by Sir D. Barbour were based were several years old, they proposed to place an officer on special duty for the purpose of revising them.^c For this purpose Mr. O. T. Barrow, I.C.S., was selected. The conclusions to which he was led by an examination of the statistics for the past fifty years confirmed in a remarkable manner the results obtained twenty-four years ago by Sir D. Barbour. Mr. Barrow found that a service of 23,949 officers can now be maintained by an annual supply of 1,000 men, giving a casualty rate of 4·17 per cent. compared with the percentage of 4·31 adopted by Sir D. Barbour. Further Mr. Barrow deduced that to fill 100 superior posts, a strength of 194·5 officers was required: the earlier figure taken for this purpose being 196·7. The number of inferior appointments was re-estimated at 39 per cent. of the superior posts instead of 42·5 per cent. Mr. Barrow's percentage for absences on leave (19·72) was practically identical with Sir D. Barbour's. The investigation also confirmed the provisional conclusions to which the Government of India came in 1904, namely, that there is no block in promotion at present though there is some prospect of a block in future in certain provinces. The figures which Mr. Barrow took to represent actual requirements are being verified in the several departments and local Governments will then be required to apply the revised percentages to the existing cadres.

15. *Commissions*.—The Secretary of State's acceptance in 1896 of the principle that all Commissions officered by members of the Indian Civil Service should be placed on an approximate equality as regards pay and prospects in the general line has led in recent years to reorganizations of the Commissions of all those provinces to which the principle had hitherto not been applied. Towards the end of 1898 the Burma Government proposed that the pay of commissioners (including the Financial Commissioner) and deputy commissioners in that province should be raised to the level of the rates in the Punjab. The Government of India replied that they would support the proposals if the excessive number of inferior posts were reduced and the pay of the first grade of assistants were cut down to the Punjab rate. The local Government demurred to both suggestions: as regards the former the Government of India could not accept its view, but the second proposal they decided not to press. Part of the savings resulting from the re-grading of assistant commissioners they devoted to the creation of eight new posts of extra assistant commissioner. The Secretary of State's sanction, which was received in January 1900, also authorised the pay of the Judicial Commissioner of Upper Burma being raised to Rs. 3,500.^d

(a) *Desp. no. 13 (Pub.), d. Jan. 26, 1899. (92.)*

(b) *Desp. no. 83 (Pub.), d. July 24, 1903. (93.)*

(c) *H. D. desp. no. 2, d. Apr. 21, 1904. (94.)*

(d) { *F. & C. desp. no. 311, d. Aug. 31, 1899. (95.)*
Desp. no. 173 (Pub.), d. Dec. 21, 1899.

The question of adjusting rates of pay in Assam to those obtaining in Bengal so as to enable the former administration to retain the services of officers transferred from the latter is of old standing. Until April 1899 the difficulty had been temporarily met by the grant of personal allowances; but as soon as the general question of recruitment (para. 14 above) had been settled, the Government of India addressed themselves to the question of permanent arrangements. In communication with the two local Governments concerned, they proposed a revision of the grading of district officers in both provinces, which was calculated to secure equality of prospects: they reduced and re-graded the inferior posts in Assam, transferring some to the provincial service; and they deferred to the Chief Commissioner's recommendation that military officers as well as civilians in Assam should benefit by the new scheme.^a Lord George Hamilton sanctioned these proposals in December 1899.^b

The new province of Eastern Bengal and Assam will be officered partly by the existing Assam Commission which is composed of both military and civil officers and partly by officers of the Indian Civil Service transferred from Bengal. It has been ruled that military civilians are not eligible for service in the transferred areas and the problem of amalgamating the cadre of commissioners and district officers is complicated by this consideration, as well as by the necessity of arranging that the military civilians, who have a longer tour of service, do not benefit unduly by the improved prospects afforded by the enlargement of the province, to the detriment of the two other classes composing the Commission. These questions are at present under examination in consultation with the two local Governments concerned.

The need of generally improving the pay of the Central Provinces Commission had been represented in 1896, but the Secretary of State, while agreeing to the principles underlying the proposal, deferred his sanction until the possibility of effecting a saving by reducing the number of districts and divisions had been determined. In 1899, after consideration of the Chief Commissioner's opinion, the Government of India, though in favour of an eventual reduction of charges, agreed that no such action could be taken for the time being, and urged that the re-grading of the district staff on the same scale as in the Punjab should be no longer delayed.^c The Secretary of State sanctioned the proposals, which took effect from April 1900.^d It may be added here that in February 1902 the Home Government accepted the joint opinion of the Chief Commissioner and the Government of India that the severe stress of famine through which the Central Provinces had recently passed made it inexpedient to reduce the number of revenue charges. The matter was eventually settled in connection with the reorganization of Berar [para. 10 (b) above] when the proposal to reduce the number of districts was finally dropped. The manner in which the problem of amalgamating the separate Central Provinces and Berar Commissions was dealt with has been noticed in the same paragraph.

In January 1903, the Government of India, with the concurrence of the Secretary of State, decided that as the Punjab had ceased to be a frontier province, the practice of recruiting one-fourth of its Commission from military officers should be discontinued. The officers of the Commission will in future be recruited from the Indian Civil Service only.^e

(a) F. & C. desp. no. 810, d. Aug. 31, 1899.
(b) Desp. no. 174 (Public), d. Dec. 21, 1899.

(c) F. & C. desp. no. 382, d. Oct. 26, 1899.
(d) Desp. no. 25 (Public), d. Mar. 8, 1900.
(e) H. D. endt. no. 6, d. Jan. 10, 1903.

In connection with the measures taken in 1901 to reduce the frequency of transfers, (Part I, p. 10) the pay of all officers below collector's rank in the Madras Commission, which had hitherto been attached to particular appointments, was delocalized.^a In 1903 the Government of India also ruled that promotion from the grade of assistant collector to that of head assistant or sub-collector should not depend on the tenure of one of a set of specified charges. Further changes in posts tenable by the Indian Civil Service of Madras will result from the proposals made for the redistribution of charges in that presidency [para. 10 (d)]. In 1904-05 the question of revising the pay of the District Magistrate of Coorg was considered. It has been decided to give the officer holding this appointment the salary drawn by the officer immediately below him on the Madras list, together with a local allowance of Rs. 100.

16. *Statutory civilians*.—Towards the end of 1903 the Governments of Madras and Bombay proposed that the concessions which enable an officer of the Indian services to count for pension certain periods of leave in and out of India should be applied to the case of statutory civilians. The Government of India were prepared to adopt the suggestion so far as it related to leave spent in India, and after obtaining the concurrence of the other local Governments under which statutory civilians were employed, they secured the Secretary of State's assent to the change.^b In 1904 the Government of India considered but rejected a proposal to remit the 4 per cent. deduction charged to the statutory civilian as a pensionary contribution. It was decided that there was no sufficient reason to move in the matter on behalf of a rapidly decreasing class of officers who were no longer recruited.

17. *Provincial services*.—In almost every province proposals for improving the position of the executive services which are manned by natives of India have been considered by Lord Curzon's Government. In Bengal the question arose in 1899 in connection with the large number of officiating deputy magistrates whose position was unsatisfactory, inasmuch as they either served for a long time without their service counting for leave or pension, or if they held substantive posts elsewhere their substitutes were similarly disadvantaged. The number of officers required for the ordinary work of the province was re-estimated: to provide for leave vacancies an eighth grade on Rs. 200 was added: and officiating officers were absorbed in the permanent staff which was thus increased in number from 266 to 364.^c No regrading was, however, effected and it was found in consequence that promotion was slower than before. Accordingly in 1901, with the Secretary of State's sanction, the grades were redistributed so as to accelerate promotion, the leave reserve being at the same time raised from 10 to 14 per cent. The ultimate cost of this reorganization was Rs. 84,600 per annum.^d These changes led to the consideration of similar questions in other provinces. Both the Bombay and Madras Governments, however, regarded the proposals adopted in Bengal as unsuited to their requirements. In these presidencies the provincial service was recruited mainly from the subordinate service and the difficulties felt in Bengal were not admitted to occur. The Government of India explained that there was no intention of affecting recruitment, but only of securing the advantages of a self-contained service: but both presidential

(a) Desp. no. 9 (Public), d. Jan. 31, 1902.
 (b) { F. & C. desp. no. 272, d. July 28, 1904.
 { Desp. no. 133 (Fin.), d. Sept. 23, 1904.

(c) { F. & C. desp. no. 110, d. Apr. 20, 1899.
 { Desp. no. 78 (Public), d. June 15, 1899.
 (d) { F. & C. desp. no. 229, d. July 11, 1901.
 { Desp. no. 133 (Public), d. Oct. 11, 1901.

Governments maintained their preference for their own arrangements and Lord Curzon's Government saw no reason to press the suggestion further. Elsewhere, however, local Governments have welcomed the proposals. In Assam the provincial service was sufficient for existing needs, but the maximum pay Rs. 600 was found to be insufficient to attract good men. Two posts on Rs. 800 and Rs. 700 were therefore added, the lower grades being also redistributed on the Bengal model. The cost of these changes was Rs. 3,000 a year.^a Similar causes led to a reorganization of the provincial cadre in the United Provinces. The scheme originally put forward by the local Government in 1900 was revised on the lines settled for Bengal, with the exception that the pay of the lowest grade was fixed at Rs. 250. Eventually a cadre of 236 officers including 25 probationers was sanctioned at an extra cost of Rs. 36,700.^b In the Central Provinces the provincial service, which performs judicial as well as executive work, was similarly reorganized so as to be self-contained at a cost of Rs. 85,000 a year.^c In the Punjab reform was delayed by the changes attending the creation of the frontier province. As revised by the Government of India, the scheme which included both the judicial and executive sides, provided for a service of 140 officers on pay rising from Rs. 250 to Rs. 800, at an additional cost of Rs. 34,400.^d These proposals were sanctioned by the Secretary of State in May 1904. In March 1902, the Burma Government submitted a scheme for the reorganization of its provincial service, involving the addition of 17 appointments. Further information on certain points was called for and in furnishing this the local Government said that its proposals would require revision in consequence of the reorganization of its political service. The latter question remained pending for some time: but the local Government's proposals were at length received and after revision by the Government of India are about to be laid before the Secretary of State. They provide for a service of 100 posts at an annual cost of Rs. 5,21,000.

Meanwhile the development of public business in Bengal led the local Government in October 1903 to put forward further proposals for the strengthening of its service of deputy collectors. The Government of India were not satisfied that the scheme was sufficiently complete and were unwilling to forward proposals which seemed likely to require further revision at no distant date. Accordingly they remanded the scheme for further examination. The local Government failed, however, to adduce reliable data for its revised proposals and the Government of India were reluctantly compelled a second time to return the proposals for further justification. To minimise the inconvenience caused by this delay 22 additional posts were temporarily sanctioned. The complete proposals of the Bengal Government were received in 1905. They involve the addition of 137 officers to the provincial service, at an increased cost of over four lakhs a year. The scheme is now being submitted, with slight modifications, to His Majesty's Government.

Apart from these improvements in the regular provincial services, the district staff in Coorg was thoroughly reorganized in 1900. Revenue officers were relieved of judicial work; munsifs' pay was raised; the police were reorganized; and for the offices of head sarishtadar and second assistant commissioner the appointments of assistant commissioner and sub-judge and

(a) { F. & C. desp. no. 187, d. July 3, 1902.
Desp. no. 91 (Public), d. Sep. 5, 1902.
(b) { F. & C. desp. no. 129, d. May 21, 1903.
Desp. no. 90 (Public), d. Aug. 7, 1903.

{ (c) { F. & C. desp. no. 221, d. July 26, 1902.
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(d) { F. & C. desp. no. 43, d. Feb. 11, 1904.

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(c) { F. & C. desp. no. 221, d. July 26, 1902.
 { Desp. no. 129 (Public), d. Nov. 14, 1902.
 (d) F. & C. desp. no. 43, d. Feb. 11, 1904.

treasury officer were substituted. The cost of these reforms was about Rs. 12,300 a year.^a

The scheme sanctioned by the Secretary of State in 1896 for the reconstitution of the districts of Karachi, Shikarpur and the Upper Sind Frontier was eventually brought into force in 1901. Certain modifications, of which the chief were the retention of the deputy commissionership of the latter district and the creation of new city magistracies for Hyderabad and Shikarpur, were made in the original proposals. The extension of irrigation also made it necessary to provide an enlarged staff for revenue and magisterial duties and the *taluka* establishment was revised at a cost of Rs. 11,040 per annum.^b Further examination showed that the growing requirements of the province had been under-estimated and in September 1903 the Secretary of State accepted the Government of India's proposals to add two new deputy collectors and eleven resident magistrates to the staff and to regrade the *mukhtiarkars* and to relieve them of magisterial work.^c

In January 1905 further concessions were granted to the provincial service. At the instance of the Government of Bombay the Government of India decided, after reference to other provinces, that members of that service holding any of the special appointments mentioned in appendix 5, Civil Service Regulations, should be treated as first class officers for the purpose of the travelling allowance rules. Subordinate judges holding the appointment of assistant sessions judge and in receipt of more than Rs. 500 a month, were also permitted to draw travelling allowance at a daily rate of Rs. 5 instead of Rs. 4 as heretofore.^d As a further concession the Government of India have decided that the probationary service rendered by officers in Bengal and the Punjab prior to their appointment to officiate as deputy collectors or extra assistant commissioners shall be included in the period of two years' officiating service which under rule precedes service counting for leave and pension.^e

18. *Subordinate services*.—The Bengal Government in May 1902 raised the question of reorganizing its subordinate executive service with a view to remedying evils similar to those which had affected the provincial executive service. Some details of the proposals necessitated prolonged consideration and in the meantime 36 sub-deputy collectors were added to the cadre for settlement work. It was not till November 1904 that the Government of India felt themselves able to adopt the complete scheme submitted by the local Government which provided for a service of 253 sub-deputy collectors, on pay ranging from Rs. 100 to Rs. 250. The additional cost of the revised scheme was about 1½ lakhs a year.^f The proposals with the exception of those relating to 25 appointments for settlement work were sanctioned by the Secretary of State in January 1905.^g

19. *Special appointments*.—In 1901 the extension of settlement operations in the Central Provinces made it necessary to continue the special appointment of Commissioner of Settlements and Agriculture: and the pay of the post was simultaneously raised with the object of securing an officer of suitable experience. In 1902 similar causes led to the appointment of

(a) { F. & C. desp. no. 142, d. May 10, 1900.
Desp. no. 80 (Public), d. June 28, 1900.
(b) { F. & C. desp. no. 41, d. Feb. 7, 1901.
Desp. no. 46 (Public), d. Apr. 5, 1901.
(c) { F. & C. desp. no. 162, d. June 11, 1903.
Desp. no. 96 (Public), d. Sep. 4, 1903.

(d) H. D. letter nos. 8-15, d. Jan. 4, 1905.
(e) { H. D. letter no. 705, d. Sep. 7, 1904.
H. D. letter no. 1098, d. Oct. 13, 1904.
(f) F. and C. desp. no. 408, d. Nov. 3, 1904.
(g) Desp. no. 6 (Public), d. Jan. 13, 1905.

a third Member of the Board of Revenue, United Provinces, for a term of four years. In September 1901 the Chief Commissioner of Assam strongly recommended the separation of the combined offices of Commissioner and Judge of the Assam Valley districts. The Government of India and the Secretary of State accepted the proposal and the separate post of Judge was created, an assistant commissionership being at the same time added. The appointment of Additional Commissioner of the Patna division in Bengal, originally sanctioned for three years in 1897, was extended for three years from January 1, 1901. Further extensions have since been sanctioned in order to give time for the discussion of permanent arrangements. In 1901 two superior posts and two inferior posts were added to the Burma cadre to provide for settlement officers. Similarly in 1903, an addition of three superior appointments was made to the Punjab Commission to provide for the two colonization officers and one settlement officer. These matters, however, concern the Revenue Department more closely than the Home Department.

20. *Invalid pensions*.—From time to time representations had been made to the effect that the scale of annuities admissible to an Indian civilian compelled to retire from the service owing to ill-health was inadequate: but the Government of India had invariably felt unable to recommend exceptions in favour of particular officers. The matter was forcibly represented by the Indian Civil Service Association of Bengal in March 1901. For a full service of 21 years a pension of £1,000 is admissible, but the maximum pension granted for any term short of that period was £450. The association urged that the inevitable result of penalising a small deficiency of service by a wholly disproportionate reduction of pension was that officers whose health has completely broken down struggle to the utmost to complete their full term and in some instances sacrifice their last chance of recovery in the vain attempt. They instanced in particular the case of the late Sir Edward Symes. The Government of Bengal supported the proposal that the scale of invalid pensions should be revised, but in view of the adverse decision of Her late Majesty's Government in 1871 Lord Curzon's Government did not at that time feel themselves able to recommend it to the Secretary of State.^(a) In 1903 however the question was revived, and feeling that the existing scale was in fact unsuitable and the cause both of hardship to the individual and of inconvenience to the State, the Government of India determined to recommend to the Secretary of State the introduction of a more liberally graded scale.^(b) Mr. Brodrick agreed that it was desirable to amend the existing rates, but he was not satisfied that any enhancement was necessary in the case of officers who retire owing to ill-health during the first twelve years of service. He therefore sanctioned a scale which appreciably enhanced the annuities earned by service of more than twelve and less than twenty years and very considerably enhanced those earned by service of more than twenty years.^(c) The new scale was notified on January 21, 1905, with the intention that it should have effect from that date. But various retired officers in receipt of annuities on the old scale asked that the orders might be retrospectively applied to them and in April 1905 Mr. Brodrick consulted the Government of India upon the desirability of acceding to their request.^(d) In reply Lord Curzon's Government unhesitatingly recommended that the concession should be extended with effect from January 1905 to all officers still living who had previously retired on invalid annuities,^(e) and the Home Government accepted their advice.

(a) H. D. letter no. 1080, d. Dec. 31, 1901.
 (b) F. & C. desp. no. 285, d. June 30, 1904. (96.)
 (c) Desp. no. 148 (Fin.), d. Oct. 28, 1904. (97.)

(d) Desp. no. 49 (Fin.), d. Apl. 21, 1905. (98.)
 (e) { H. D. desp. no. 14, d. June 22, 1905. (99.)
 { Desp. no. 106 (Fin.), d. Sep. 15, 1905. (100.)

21. *Compassionate gratuities.*—In 1900 and 1901 certain deplorable cases occurred in which the families of deserving Government servants deceased were left in indigent circumstances, and this led the Government of India to urge upon the Secretary of State the propriety of establishing a small fund, from which they should have discretion, subject to due safeguards, to give assistance in meritorious cases. This proposal was at first refused by the Home Government but on the occurrence of further cases of hardship the Government of India determined in 1902 to resubmit it with slight modifications for their reconsideration. On this occasion it was more fortunate. The scheme accepted by the Secretary of State provides that Rs. 22,500 shall be annually allotted for the purpose mentioned, unspent balances being carried forward, provided that in no single year is the amount of Rs. 45,000 exceeded; that no pensions shall be given, though in exceptional cases yearly grants for a limited period may be admitted; that individual grants shall not exceed Rs. 5,000; that the deceased officer shall have been a meritorious public servant; and that, save in cases where his premature demise rendered it impossible to make provision for his family, his monthly salary shall not have exceeded Rs. 750.^a Local Governments and departments have been informed that, subject to these conditions, the Government of India will be prepared to reconsider any cases of a very exceptionable character. The allotment is under the direct administration of the Finance Department, and several deserving cases have derived much needed relief.

22. *Civil Service Regulations.*—The important changes made in 1901 in the general leave rules for civil officers have already been noticed in connection with the question of taking measures to reduce the frequency with which officers were transferred from one charge to another (Part I, page 10). Here it is only necessary to say that their effect was (1) to allow the combination of privilege leave and of furlough of the various kinds; (2) to require an interval of eighteen months to intervene between privilege leave of over six weeks in duration taken by itself and ordinary furlough; (3) to limit any combination of privilege leave and furlough to a maximum of two years, and any combination of privilege leave and special leave to a maximum of six months; (4) to limit any combination of leave to a minimum of six months; (5) to allow officers to whom privilege leave is inadmissible to combine vacations with long leave on the same conditions as those on which other officers are allowed to combine privilege leave.^b

Certain other changes of minor importance have also been made in the leave rules. In connection with the representation made by the secretariat staff, which is noticed in para. 30 below, the Government of India suggested to the Secretary of State that the Indian service rules should be so amended as to dispense with the requirement that six months' continuous active service should precede furlough, and that furlough and sick leave taken in India should be allowed to count for pension.^c The Secretary of State sanctioned the former proposal and desired to learn the opinion of local Governments upon the latter.^d When consulting them the Government of India invited opinion upon the further proposal that officers should be permitted to take privilege leave or vacation immediately prior to retirement: and supported by the advice of local Governments they recommended both these changes to the Secretary of

(a) { F. & C. desp. no. 350, d. Oct. 18, 1900.
F. & C. desp. no. 312, d. Oct. 3, 1901.
Desp. no. 187 (Fin.), d. Nov. 15, 1901.

(b) H. D. resn. no. 224-40, d. Jan. 25, 1901. (10.)
(c) F. & C. desp. no. 105, d. Mar. 28, 1901.
(d) Desp. no. 90 (Fin.), d. May 10, 1901.

State.^a Lord George Hamilton partially agreed to the former, but was unable to sanction the latter of these recommendations.^b

In May 1904 the Government of India, in view of several cases in which the existing rule operated with apparent hardship, determined to propose the rescission of Article 99 of the Civil Service Regulations which refuses acting allowances for the first thirty days of his appointment to an officer officiating in a higher grade or post.^c The Secretary of State was unable to accept the proposal in its entirety, apprehending that its cost might be excessive, but intimated that he was prepared to agree in all cases where increase of work and responsibility was involved, and to grant full allowances instead of three-fourths only where an officer changed his station.^d The Government of India have fully considered the concessions offered; their further examination of the question leads them to think that the cost of the entire proposal would not be excessive while any partial concession would be invidious and difficult of application: and on these grounds they hope to be able to persuade the Secretary of State to adopt their original recommendation.

In 1904 a substantial concession was made to public servants on low rates of pay. The Government of Lord Curzon proposed to the Secretary of State the rescission of the condition heretofore imposed on the grant of privilege leave in excess of one month to officers on pay less than Rs. 100, *viz.*, that no extra expense should be thereby caused to the State. It was difficult, they considered, to justify the relatively less favourable treatment of the more poorly paid servants of Government in respect of the grant of privilege leave.^e The Secretary of State sanctioned the proposal in July 1904.

23. *Examinations.*—Almost every portion of the system of examinations for Government officers has been revised in recent years with the object of bringing the attainments of successful candidates into closer relation with actual needs, or of providing for tests in new languages with which the expansion of the administration is continually bringing officers into contact.

(a) *Indian Civil Service examination.*—In 1902 the Government of India advised that Indian history should be restored as a subject for the final examination of probationers in England and that civil law should be omitted from the course, the marks for the other subjects being at the same time re-allotted.^f The Home Government agreed with these views: and the course was changed so as to present five compulsory subjects and one optional subject to candidates at the final examination.^g Two other important changes have been recently made in the scheme of the examination, but without previous reference to the Government of India. The scale of marking the various subjects at the open examination was recast in August 1904, and Italian was restored to the syllabus. A maximum limit of 6,000 marks also was for the first time imposed. The age limit of candidates was also slightly raised about the same time, in order to suit the convenience of university competitors.

(b) *Departmental examinations.*—These tests are conducted under the orders of local Governments, but the Government of India have recently called attention to two points in which the existing scheme appeared to them defective. They had reason to apprehend that a knowledge of the vernacular was decreasing among younger civil servants, and they therefore invited local Governments to reconsider their examination system and in particular to decide whether examinations in the vernacular were not placed at too early a date in an officer's service, whether

(a) F. & C. desp. no. 98, d. Mar. 27, 1902.

(b) F. & C. desp. no. 105 (Finl.), d. July 4, 1902.

(c) F. & C. desp. no. 175, d. May 26, 1904. (101.)

(d) Desp. no. 155 (Fin), d. Nov. 4, 1904. (102.)

(e) F. & C. desp. no. 169, d. May 26, 1904.

(f) H. D. desp. no. 13, d. Mar. 6, 1903. (103.)

(g) Desp. no. 101 (Public), d. Sep. 26, 1902. (104.)

too much prominence was not assigned to the written rather than to the oral examination, and whether the examining agency was in all cases appropriate.^a The replies of provincial Governments to this reference were under consideration when the question was complicated by further proposals made by the Government of Bengal for the entire revision of its departmental examination system, and final orders have not yet been issued. The second question to which the Government of India directed attention was concerned with the sufficiency of existing provisions for the examination of junior officers in civil law. Without overestimating the knowledge of the detailed provisions of Acts which an officer would subsequently retain in consequence of having once been examined in them, the Government of India considered that he would nevertheless preserve a useful working acquaintance with any texts in which he had been tested, sufficient to guide him readily to the provisions applicable to the matter in hand. For this reason they regretted to see that in some provinces the examination in civil law was very limited in scope. They accordingly asked local Governments to consider whether to introduce a separate examination in civil law to be imposed on candidates for the judicial branch as was the practice in Bombay : or in the alternative to extend their departmental examinations so as to require a real knowledge of civil enactments. The possibility of reinforcing the examination system by the provision of other opportunities for the study of law,—such as attendance during probation at courts in England ; attachment to the court of a senior district or divisional judge in India ; or study leave for reading in a barrister's chambers at home—was also referred to provincial Governments for opinion.^b The inquiry has elicited varying proposals for the extension of the course of civil law required of candidates in most provinces ; and a unanimous consensus of opinion that the practice should be restored of requiring candidates during their year of probation to attend law-courts in England and to report cases. It is probable that a decision will be arrived at on these lines.

(c) *Language examinations.*—As the outcome of a prolonged discussion with the military authorities and the Board of Examiners in Calcutta the Government of India decided in June 1903 that it was necessary to enforce a clear distinction between the higher and lower standard examinations in India,—which should be tests of practical utility to officers—and the further examinations beginning with the high proficiency test which should demand a thorough and scholarly acquaintance with the language. It was argued, with good reason, that the examinations conducted by the Board entirely failed to ensure a practical knowledge of Hindustani in the officers who passed them. In framing exercises for the standard examinations the Board have accordingly been required to expect a knowledge of such words and idioms only as are of practical utility : the use of the Hindi character has been permitted : and to emphasise the changed character of the tests they have been called Hindustani and not Urdu examinations. On the other hand, to encourage officers to proceed to the literary series of examinations it is proposed to introduce a lower literary test in Urdu which will be called the 'proficiency' examination.^c Local Governments generally have accepted this scheme and are agreed that the new examination should be open to civilians, educational officers, police officers and chaplains who can at present appear for the high proficiency test. It is proposed to fix the reward at Rs. 750 in the case of military officers and officers in Burma and at Rs. 500 in that of civil officers serving elsewhere. The scheme will shortly be laid before the Secretary of State for sanction. It is hoped that these reforms will result in the acquisition by officers of the Indian Army in particular of a sound practical knowledge of the language used by their men which it cannot be confidently said that the previous system has succeeded in securing.

(a) H. D. letter no. 11—19, d. Jan. 19, 1903. (105)

(b) H. D. letter nos. 655—661, d. Nov. 4, 1903. (106)

(c) H. D. letter no. 353, d. June 5, 1903. (107)

Similar criticisms have been expressed in respect of the existing scheme for the higher Persian and Arabic examinations. It has been represented that the books in use for the tests in Persian do not introduce a candidate to the modern colloquial language, with the result that successful examinees have found that they could not make themselves intelligible to ordinary Persians. The entire scheme of these examinations has therefore been recast. The Government of India have decided to publish for the guidance of candidates a wide list of typical books suitable in point of difficulty to the character of the two higher examinations, and to require that half the passages for translation shall be selected from these and half from unseen works of a similar standard of difficulty. In the higher standard examination also it has been decided to replace the books at present prescribed by three works in modern Persian. The details of the new scheme have been settled after much discussion and have recently been notified for public information. As regards Arabic, the Government of India concluded that as the modern spoken tongue everywhere degenerates into dialects differing alike from the classical language and from one another it was not feasible to provide for instruction or examination in these within India itself. For this reason they decided to confine the examinations held in India to classical Arabic and to allow military and political officers and candidates for political employ, after passing a preliminary test in India, to proceed to Arabia or Turkish Arabia to study the language as there spoken. The course of foreign study will lead up to an interpreter's examination carrying a reward of Rs. 2,000: with this examination the Board of Examiners will have no concern. The details of the scheme are being worked out in the Military Department. The existing higher standard examination in Arabic will be retained with certain modifications intended to give it a more practical character: and the further tests will be maintained in their present form for civilian candidates and for military officers in civil employ.^a

The benefits of the language examination rules have also been extended in recent years to certain classes of officers to whom they were not previously open. In 1901 chaplains were allowed to obtain rewards for passing by any of the three higher examinations in the vernacular of the province in which they are serving.^b And in October 1903 the Government of India who were impressed by the value of a knowledge of Indian classical languages to educational officers as a means of increasing their influence with the educated classes proposed to the Home Government that officers of the Indian Educational service should be admitted to the benefits of the language examinations open to civilians.^c The Secretary of State agreed in principle, but observed that the rules for civilians varied in respect of the rewards prescribed; and that the proposals regarding rewards in certain vernacular examinations were too high.^d After reference to the local Governments concerned the Government of India partially modified the rules, and the Secretary of State accepted their representation that it was necessary to maintain a somewhat higher scale of rewards in Burma than elsewhere. The rules were accordingly issued in 1905. It has also been decided to extend the scope of the examination rules to female members of the educational service in Bombay. In the course of the foregoing discussion the Chief Commissioner of Assam proposed to institute an examination by the high proficiency standard in Assamese. This proposal was adopted with the sanction of His Majesty's Government. The Board of Examiners in Calcutta will conduct the examination and they are preparing an edition of the text-books to be used. A somewhat

(a) H. D. letter no. 738, d. Nov. 30, 1903.
 (b) { H. D. resn. nos 142—157, d. Mar. 8, 1901.
 (c) { H. D. resn. nos. 858—873, d. Dec. 9, 1901.

(c) F. & C. desp. no. 811, d. Oct. 8, 1903.
 (d) Desp. no. 137 (Public), d. Nov. 20, 1903.

similar proposal for a high proficiency examination in Punjabi to be held at Lahore has been put forward by the Government of Punjab and will be dealt with in connection with the question of departmental examinations for officers of the Commission.

In the Punjab medical officers in permanent civil employ have also been admitted to the reward of Rs. 500 prescribed for officers of the Commission who pass the military higher standard examination in Punjabi.

(d) *Examination in Russian*.—In 1901 the regulations governing the examination in Russian of civil officers, including military officers in civil or political employ, were recast at the instance of the Secretary of State, though without important alteration of substance.

(e) *Examination in Chinese*.—During Lord Elgin's viceroyalty a revision of the rules for the examination in Chinese of officers of the Burmese Commission was discussed with the British Ambassador at Peking. In 1899 the Government of India obtained the Secretary of State's sanction to the adoption of proposals approved by Sir Claude Macdonald which provided that officers should proceed to Peking for a full year for study under the auspices of His Majesty's legation.^a The Burma Government subsequently raised the question whether Yünnan-Fu would not be a more suitable place of study than Peking and the rules have been modified so as to permit candidates to proceed to either place for study.

(f) *Frontier language examinations*.—In 1903 the rules for the examination of officers in the frontier languages of Burma were revised with the object of ensuring a proper standard of examination.^b In 1901 it was decided to encourage the study of Yünnanese by providing an examination for certain subordinate officers in various districts:^c and two years later such officers were permitted to proceed for three months to Tengyüeh for the purpose of acquiring a knowledge of the Yünnanese language.^d The rules for examinations in the Shan tongue have also been extended to certain medical subordinates in Burma; and those for examinations in Siamese to jail officials in the Mergui District. Two new dialects, Ao and Sema, were added in 1904 to the list of Assam frontier languages for which rewards are given.^e Recently the Government of Bengal has proposed to add three new dialects, Nepalese Paharia, Maghi and Tippera, to the list of the frontier languages in which rewards are given; to institute two standards of examination in the Tibetan tongue; and to extend the languages rules to subordinate executive officers. Lord Curzon's Government have approved these proposals and have addressed the Secretary of State accordingly. The examinations in Pushtu have also been separated from those in Baluchi, and the former will now be conducted under the orders of the Chief Commissioner of the North-West Frontier Province. The regulations for the examinations of Madras officers in the Khond language have also been recast, so as to enable native officers to whom Khond was a foreign tongue to earn the full reward admissible to European officers for passing in it.

(g) *Examination in Hindustani for Burma officers*.—In 1903 the Government of Burma suggested that provision should be made for the acquisition of a moderate knowledge of Hindustani by officers in Burma. The Government of India approved of the suggestion, and having settled the details of the scheme in consultation with the Board of Examiners and the local Government they obtained the sanction of the Home Government to the scale of rewards which it was proposed to grant.

(a) { F. & C. desp. no. 169, d. May 25, 1899.
(b) Desp. no. 87 (Public), d. July 20, 1899.
(c) H. D. desp. no. 38, d. Aug. 13, 1903.

(c) Desp. no. 116 (Public), d. Aug. 30, 1901.
(d) Desp. no. 109 (Public), d. Sep. 18, 1903.
(e) Desp. no. 29 (Public), d. Jan. 29, 1904.

(h) *Secretariat clerical examination*.—The only change made in the regulations for this examination, which admits to the clerical service of the Government of India and to connected offices, was the addition in 1902 of shorthand writing as an optional subject.* The use of stenography has been steadily increasing in the public offices and it was desirable to secure a knowledge of it in clerks. Pitman's method only was prescribed at first but in 1905 it was decided to admit any recognised system. Certain offices to which the examination rules previously applied have been excluded in whole or part from their operation.

(i) *Competitive examinations*.—The abolition of the system of competitive examinations for admission to the public service is discussed in the chapter relating to educational matters. [Chap. VI, para. 62].

24. *Oriental studies in England*.—Towards the end of 1904 Professor Brown, Pembroke College, Cambridge, inquired whether the Government of India could do anything to encourage the study of oriental languages in England by offering temporary employment to students who had shown aptitude for such studies. The Government of Lord Curzon were entirely in sympathy with this idea but found themselves confronted by great practical difficulties in meeting Professor Brown's wishes. A reference to the Board of Examiners failed to elicit any feasible proposals, but very recently the Government of the Punjab has offered to find temporary employment for one of the Professor's students in the Oriental College at Lahore. The Government of India are awaiting the views of other local Governments before dealing with this suggestion.

25. *Anglo-Indian community*.—In February 1901 the Imperial Anglo-Indian Association addressed the Government of India at length upon the alleged grievances of the domiciled European and Eurasian community. A year previously in March 1900 Lord Curzon had received a deputation which waited upon him with a similar representation. On that occasion His Excellency's reply to the address of the deputation dwelt upon the practical manner in which Government had already shown its sympathy with the aims of the Eurasian community, but called upon the association which represented its claims to formulate a definite and precise programme, to eschew fallacious rhetoric, to view the position in its true perspective, and to convince the Government that the appeal made to it rested not merely on reasons of race or sentiment but on a practical desire to take a full share in the competition of modern life. In spite, however, of this criticism the association's memorial of 1901 took a form to which it was impossible for the Government of India, though they were entirely in sympathy with the desire of the community to maintain English standards of living and conduct, to return a wholly encouraging reply.

Although it has not been open, therefore, to the Government to meet the requests of the Eurasian community in the precise form in which these were preferred, much has been done in recent years to further their prospects in other ways. In the intermediate ranks of the executive services, in the telegraph, salt, and opium departments, in the service of railways and other similar employment there is an assured and suitable field of work for Eurasian candidates: and the Government of India have been specially concerned to see that they are not unduly handicapped in the competition to fill such openings. The subject belongs properly to the educational chapter of this summary where it is further noticed: but a passing reference at least should here be made to the special measures of subvention granted to the schools where boys of mixed parentage

(a) H. D. notn. no. 315, d. Apr. 25, 1902.

find instruction, to show how groundless is the allegation that the Government of Lord Curzon have been wanting in sympathy toward the domiciled community.

26. *Employment of natives.*—The subject of the wider employment of natives of India in the public service has been more than once reviewed during Lord Curzon's viceroyalty. In 1899 the Indian Association represented that, whatever progress had been made towards the fulfilment of Her late Majesty's historic Proclamation of November 1, 1858, and the carrying out of the recommendations of the Public Service Commission, little or nothing had been done to satisfy the claims of natives to more extensive employment in the minor services. After careful scrutiny of these allegations by the various controlling departments the Government of India replied to the association explaining precisely how far the recommendations of the Public Service Commission were being carried into effect and showing that the contentions were unsupported by the facts.^a

Since that date, however, allegations have frequently been made, not only in a certain section of the public press, but also by non-official members of the Legislative Council, to the effect that Europeans and Eurasians enjoy a disproportionate share of public appointments in India and that the legitimate claims of the natives of the country to such posts are neglected. In the beginning of 1904 Lord Curzon's Government therefore instituted a special inquiry, extending over every branch of the administration and every province, with the object of ascertaining how far such suggestions were well founded. For this purpose, figures were collected for the years 1867, 1877, 1887, 1897 and 1903 showing all appointments held by Europeans, Eurasians, Hindus and Muhammadans on Rs. 75 a month and over. Appointments carrying salaries of under Rs. 75 a month were excluded since these were almost entirely held by natives of India. The statistics extended over a longer period and entered into greater details than any previously published. The results of this inquiry, after notice by the Governor General in his budget speech, were made public in a resolution in the Home Department. It was shown that the numbers of posts held by Hindus had increased during the last 36 years by 179 per cent., by Muhammadans 129 per cent., by Eurasians 106 per cent., and by Europeans only 36 per cent. In no single grade had the proportion of Europeans increased while the native increase had been continuous and striking and had been larger in the higher grades than in the lower. For a detailed review of the figures, however, the reader must be referred to the published resolution already mentioned. The general conclusions to which they pointed may be condensed into four propositions:—(i) that the aggregate cost of the civil establishment of Government had nearly doubled; (ii) that its average cost had appreciably declined; (iii) that there had been no tendency to overweight the administration by the creation of a disproportionate number of highly-paid posts; (iv) that while the total average pay had declined, the average pay drawn by natives had risen; in other words, there had been a transfer of posts from European to native agency, which had been more marked in the case of posts on higher, than in the case of those on lower, pay.

Whatever standard of calculation was applied, the statistics demonstrated that the complaints were fallacious and unjust. There had been a progressive increase in the employment of natives and a progressive decline in the employment of Europeans: and the principles which Government had set itself to follow in the selection of its servants had in practice been abundantly vindicated.^b

(a) *H. D. letter no. 3411, d. Dec. 20, 1900.* (108)

(b) *H. D. resn. nos. 419—435, d. May 24, 1904.* (4)

These conclusions were impugned by the Hon'ble Mr. Gokhale, Additional Member of Council, in the course of the budget debate of March 29, 1905. He referred to the Act of 1833 and to the Queen's Proclamation of 1858, and suggested that the Home Department resolution of 1904 laid down principles unknown to those documents regarding the admission of natives to the public service. In his reply the President showed that the late Queen's words contained a qualification, not indeed modifying their generosity, but limiting their application by the necessary tests, first of practical expediency and secondly of personal fitness. "It is our will that so far as may be, our subjects of whatever race or creed be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge." There was not a sentence in that memorable document from which any Government of India had desired or attempted to recede. The Hon'ble Mr. Gokhale had not alluded to the findings of the Public Service Commission of 1887. The resolution of 1904 was no more than a re-affirmation of those findings; and there was no foundation whatever for the suggestion that a new policy had been initiated.

27. *Conduct of public servants.*—The various orders regulating the conduct of officers of Government in respect of such matters as the borrowing of money, the receipt of addresses, the acquisition of property, engagement in trade, insolvency, the communication of official information, connection with the press, the vindication of their conduct, and association with political movements or meetings have for some years past been compiled in pamphlet form for the use of public servants. The Government of India found, however, that not only was the form of the compilation, which reproduced the original language of the various statutes and orders, unsuited for popular use, but that the orders needed amplification in respect of certain subjects which as matters stood were comprised by their spirit rather than by their letter. The issue of a condensed and simplified version of the rules in popular language was accordingly undertaken, and the new pamphlet was completed and circulated to local Governments during Lord Curzon's temporary absence from India, under the title of "The Government Servants' Conduct Rules, 1904."

28. *Explanations by public servants.*—In May 1900 the Government of India found it necessary to issue explicit orders forbidding public servants to communicate with the press in explanation or defence of their official conduct without the sanction of their Government. Such a rule had indeed been implied in previous orders but its existence was evidently not appreciated generally.

29. *Inquiries into conduct of public servants.*—The Commission appointed by Lord Elgin's Government to inquire into the truth of certain charges made against Raja Chitpal Singh, a statutory civilian and joint magistrate in the North-Western Provinces and Oudh, submitted their report in March 1899. They found that in his judicial work the Raja had improperly employed clerks to write judgments and to prepare depositions for him; and that he had caused the house of one of these clerks to be searched, on the pretext that he had committed theft but really in the hope of recovering papers which might be used against himself. The local Government and the Government of India accepted these findings. The Raja was removed from the service but granted with the Secretary of State's sanction a compassionate allowance of Rs. 100 a month."

(a) { F. and C. desp. no. 217, d. June 29, 1899.
Desp. no. 104 (Public), d. Aug. 31, 1899.

This is the only instance during the past seven years in which Government has found it necessary to take proceedings under Act XXXVII of 1850 which provides for formal investigation when the conduct of any public servant is impugned. In various cases the misconduct of individual officers has necessitated the intervention of the Supreme Government; and in some instances the orders of punishment passed by the local Government have been enhanced. The cases of Messrs. Scott and Higgins are dealt with in Chapter IV. Into the details of most of the other cases it is hardly necessary to enter here; the misconduct of the officer concerned was either of a private nature, or raised no questions of general importance. One case, however, deserves brief mention on account of the notoriety which it excited. In the earlier part of 1901, Mr. A. P. Pennell, Sessions Judge of Noakhali, whose earlier record as an executive officer was not unblemished, and whose previous judicial utterances had repeatedly been of an intemperate and personal character, took occasion in the course of a lengthy judgment in a murder trial to attack the Supreme and local Governments and other persons unconnected with the case in a grossly vituperative manner which conclusively indicated that he was mentally unfitted to exercise judicial functions. His insubordination further went the length of deliberately disobeying orders directing him to return to his station and warning him that he was not entitled to leave India without permission. The Secretary of State entirely concurred with the Government of India in thinking that Mr. Pennell was unfit to be retained as a member of the Indian Civil Service and caused his name to be removed from the rolls with effect from the date on which he quitted India.^a

30. *Clerical services*.—Towards the end of 1899 the staff of the various secretariat offices addressed the Government of India with various requests for the amelioration of their conditions of service. After exhaustive consideration the Government of India decided that Registrars should in future be treated as gazetted officers: and that the minimum pay of posts for which candidates were enlisted by the clerical examination should be Rs. 50.^b As a corollary to the former concession, officers of similar rank to Registrars in the Bombay, Bengal and Madras secretariats have also been treated as gazetted officers. Other concessions of importance recently granted were the amendment of the Indian service leave rules, and of the rules for the grant of privilege leave to officials on less than Rs. 100 (para. 22 above).

In April 1904 in consequence of the opening of the railway from Kalka to Simla which materially altered the cost of the journey from Calcutta, a small committee under the presidency of Mr. W. S. Marris was appointed to consider the advisability of revising the travelling allowance rates admissible to clerks in the secretariat offices. The Committee submitted their report in May 1904; and their proposals were adopted with trifling modifications by the Government of India, with the result that a saving of some Rs. 40,000 was effected in the annual cost of the move.

While this question was under consideration, the Government of India received several memorials from clerks in the moving offices, praying for increased house-rent and maintenance allowances on the ground that the existing scale no longer afforded them adequate compensation for the additional expenses entailed by the move of Government to the hills. On July 13, 1905, Lord Curzon's Government accordingly appointed a further committee under the presidency of Mr. R. M. Dane, C.I.E., to consider what modifications, if any, were required.^c The Committee were further instructed to report whether free quarters

(a) { H. D. desp. no. 54, d. May 30, 1901.
Desp. no. 120 (Public), d. Sep. 13, 1901.

{ (b) H. D. resn. nos. 112—118, d. Jan. 18, 1901. (10.)
(c) H. D. resn. nos. 676—691, d. July 13, 1905. (110)

should be provided for the clerks; whether the present complex rules for allowances could not be simplified; whether dependents other than wives and children should be recognised; whether any, and if so what, maxima and minima rates should be prescribed; and whether allowances should be admissible during leave. They were also required to advise whether any relief was called for in the case of establishments stationed in Simla throughout the year. The Committee's report was received at the beginning of September 1905. They found that there had been a great rise of house-rents in Simla in recent years, more marked in the case of houses rented by Europeans than in those occupied by natives, and that there had also been an appreciable increase in prices which affected the native clerks more than the Europeans. They did not advocate the provision of free quarters generally, but they thought it useless to raise the rates of house allowance without taking some steps to prevent Simla landlords from raising house-rents further and so they proposed that Government should construct a certain number of quarters for both classes of clerks to be rented at lenient rates. Holding that any differential treatment of Europeans or natives was undesirable on practical grounds, they proposed in the case of present incumbents to consolidate house-rent and maintenance allowances calculated on a somewhat more favourable scale, and to leave to the clerks the option of drawing travelling allowance for their families if moving with them, or family maintenance allowance for them if left behind in Simla or Calcutta. For future incumbents the Committee proposed a single allowance payable all the year, calculated on the assumption that the clerks would as a rule leave their families behind either in Simla or Calcutta for part of the year, but that they might occasionally bring them with them. They recommended that the allowance should be given on privilege leave but not on leave of other kinds. In respect of the stationary offices the Committee found themselves precluded by previous decisions from proposing any general concessions in the form of allowances, but suggested that the necessity for a revision of pay in each case should be separately examined. As a possible alternative they thought that a cold-weather fuel allowance might be given to clerks on low pay. These proposals are still under the consideration of Government.

As an exception to the broad general rule which allows of the promotion of all clerks recruited by examination or otherwise to the higher grades of the head-quarters and attached offices, the Government of India have found it necessary to reserve a limited number of appointments in the Ordnance offices, where special qualifications are required, for soldier clerks.

On the eve of Lord Curzon's departure from India, His Excellency received an address from the members of the clerical establishments gratefully acknowledging the benefits which they had received during his tenure of office in respect of leave, holidays, and conditions of service.

31. *Holidays in executive offices.*—In consequence of representations made to them regarding the curtailment of holidays, the Government of India in 1901 took up the question of the principles which should regulate the grant of holidays in Government offices to clerks and other servants. In addressing local Governments on the subject they directed that the holidays to be notified under the Negotiable Instruments Act should ordinarily be limited to two State holidays, May 24 and November 9, for the Royal birthdays and four days at Christmas and two at Easter. Subsequently under His Majesty's personal orders June 26 was fixed for the celebration of the birthday of the Sovereign, the holidays on May 24 and November 9 being cancelled.

The Government of India agreed also that three additional holidays should be announced at Christmas so as to provide a vacation from December 24 to January 1. While the number of Christian holidays was thus made uniform throughout the country, in respect of native holidays the Government of India contented themselves with asking local Governments to consider the question of possible reductions with due regard for local requirements. Holidays under the Act should, they considered, be invariably given to all Government employés, subject only to the discretion of the head of the office to detain any individual as a punishment, and to the further condition that very urgent work might be required on a holiday, provided that any one who had to attend office on a holiday was allowed another one in its place, and that, if possible, a man of the religious persuasion which observed the holiday was not called upon to work on it. In the case of holidays given on account of local festivals or on the last Saturday of the month, it was ruled that all establishments should be allowed, subject to the conditions laid down in the case of holidays under the Negotiable Instruments Act, to take full advantage of the holiday. On holidays given by executive order only the rule should be that an office should be closed only where the absence of the persons on whose behalf the holiday is given would prevent the work from being properly done. But Christian holidays should if possible be given to all employés. Regarding local holidays the Government of India commended to the consideration of other local Governments a rule of the Government of the United Provinces to the effect that local holidays (other than last Saturdays in the month) in any one year should not exceed seven in number without the sanction of the Board of Revenue. In the case of a few provinces the number of local holidays was slightly increased or reduced with regard to the number given elsewhere.^a These orders were concerned only with executive offices. The question of judicial holidays is dealt with in Chap. III, para. 11.

32. *Prohibition of fining.*—In 1900 the Government of India caused inquiry to be made into the system under which fines were imposed as penalties in the several departments of the Imperial Government and in local Governments' offices. It was found that in many cases fines had not been inflicted for years; in others that they were only rarely imposed; while in some they were never imposed at all. There was no evidence to show that the power to inflict fines was misused, but Lord Curzon's Government regarded this method of punishing clerks as capable of abuse and as an imperfect and incorrect form of penalty. They held that discipline could be properly maintained among clerical establishments without the imposition of fines. As forms of punishment that could be suitably employed for this purpose, they instanced official reprimand, addition to work, postponement of increments of pay, stoppage of promotion, reduction of existing pay, entry of misdemeanours in the service book, suspension, and in the last resort dismissal. The Governor General in Council accordingly decided that the practice of fining members of the clerical and ministerial establishments in all secretariat and other Government offices (English and vernacular) for default should for the future be abolished. These orders did not apply to the menial establishments, in whose case there is no other appropriate means of punishment for petty carelessness, lateness, and idleness.^b It was subsequently explained that the orders had no reference to subordinates who had executive as well as clerical duties to discharge, nor to clerks employed temporarily only.

(a) H. D. letters nos. 5232—41, d. Sep. 16, 1901. (111)

(b) H. D. letter nos. 875—84, d. June 26, 1900. (112)

CHAPTER III.

JUDICIAL.

(a) CRIMINAL.

Indian Penal Code.—It was decided in March 1899 not to proceed for the time being with the consolidation of the Indian Penal Code and its amending Acts, but the draft bill which had been prepared by Lord Elgin's Government was submitted for the Secretary of State's information. Since that time various suggestions for the further amendment of the Code have been considered by the Government of India. Defects in the law relating to kidnapping have more than once attracted attention ; and in 1902 the advisability of supplementing them with provisions directed against procurers on the lines of the English Vagrancy Act was considered. This particular proposal was dropped, but in the following year the question revived in the manner described in the next paragraph. Other defects in the provisions relating to fines, the tribunal by which certain offences are triable and the definition of stolen property have been from time to time noted for consideration at the appropriate season. In 1903 the Government of India refused to amend section 154, Indian Penal Code, at the request of the Bengal Landholders Association, so as to absolve landlords from responsibility in respect of riots on their property of which they had no means of knowing.^a The suggestion of the Bombay Chamber of Commerce that measurers of cargo should be declared public servants was also negatived.^b

2. *Criminal Procedure Code.*—The question of amending the provisions of the Code relating to the empanelling of juries and the revision of jury verdicts has been already discussed (Part I, page 19). Minor matters which have been noted for consideration when the Code is further revised are certain provisions relating to (1) sentences of whipping and appeals against such sentences ; (2) tribunals empowered to try the offence of insult ; (3) the subordination of second and third class magistrates to the sub divisional magistrate ; and (4) the composition of offences on behalf of minors and idiots ; (5) the disposal of property after the close of a criminal trial and during the period allowed for appeal ; (6) the date on which a sentence of substantive imprisonment passed on a person imprisoned under section 123 (i) of the Code should begin ; (7) the obligation to report sudden, unnatural or suspicious deaths. A proposal made by the Government of the Punjab to extend the effects of forfeiture to descendants of a proclaimed offender was negatived by the Government of India,^c as was also a proposal made by the Government of Madras that district magistrates should be empowered to suspend subordinate magistrates pending the orders of the local Government.

In 1903 the attention of Government was again called, by the Society for the protection of children in India and by the Bombay Missionary Conference, to the need of protecting minor girls in the custody of persons of bad character. The evil was akin to that which had suggested the idea of extending the law of kidnapping (para. 1 above) ; and in modification of their earlier intention the Government of India consulted local Governments upon the propriety of empowering magistrates to remove and to provide for any girl of less than sixteen years found in the possession of a person of bad character not her lawful guardian.^d The inquiry showed however that the evil complained of was hardly known in rural areas and that though it existed in the larger cities and seaport towns it had not attained such dimensions as to demand legislation of a

(a) H. D. letter no. 522, d. Mar. 23, 1903. (113)
(b) H. D. letter no. 69, d. Jan. 15, 1904.

(c) H. D. letter no. 626, d. Apr. 21, 1902.
(d) H. D. letter nos. 1430—40, d. Aug. 11, 1903. (114.)

novel and peculiarly stringent character. There was indeed no general consensus of opinion in favour of legislation: and while it was evident that the scheme, if it was to be successful, must provide for the upbringing of the rescued girls among purer surroundings, no solution of the serious practical difficulties which would attend the application of such a remedy by Government agency was anywhere suggested. The Government of India therefore decided that legislative interference was undesirable, and preferred to rely on a more searching and systematic surveillance of persons engaged in immoral callings.^a

As is explained in Chapter IV, one outcome of the inquiries of the Police Commission will be the revision of certain of the procedure sections of the Code. At the moment of writing this question is being taken up, and the desirability of also embodying the other amendments above-noted is being examined.

3. *Separation of functions.*—In August 1899 the Secretary of State forwarded a memorial signed by ten eminent retired Indian officials urging the separation of judicial from executive functions in the administration of India. After reference to the past history of the question the memorialists explained what they regarded as the grievances of the present system and the remedy for these, and concluded by discussing objections to their proposals. The question, though not new, was one upon which local Governments had not recently been consulted nor had the Government of India recently pronounced opinion. Its intrinsic importance and the authority of the gentlemen who had revived it led Lord Curzon's Government to determine to deal with it in a manner which would, they hoped, lay it to rest for some time to come. Their reference to local Governments propounded two main questions: firstly, how far the combination of executive and judicial powers in the same hands actually leads to abuse; secondly, whether there are any, and, if so, what considerations on the other side which must be set off against such abuses as may have occurred, and which tell in favour of retaining the present system, and on which side the balance of advantage lies. These, the Government of India said, were questions to be considered with reference to conditions as they exist in India rather than to any abstract principles or to the practice in other parts of the world, and to be examined on the broad ground of general administrative expediency, as well as on the narrower basis of immediate practicability, financial or otherwise. In many provinces separation had already been carried to a considerable extent, especially in the higher grades; in some the change was sufficiently recent to allow of an estimate being formed of its results; and it might be that further advance on the same lines was possible and expedient, if complete separation were not. Local Governments were asked to obtain a few weighty opinions from the highest judicial and executive officers, and to summarise all cases in the past five years in which abuse had arisen from the existing system.^b Even though thus limited the replies received were most voluminous; they were also compact with matter demanding the closest consideration; and the Government of India have not yet had leisure to formulate their final pronouncement. But, as will be seen hereafter (paras. 24 and 25), much has been done in individual cases in the direction of separation.

4. *Whipping.*—The amendment of the law regarding whipping has been separately noticed (chap. XI, para. 15). The discussions attending it showed

(a) H. D. letter nos. 261—269, d. Feb. 21, 1905.

(b) H. D. letter nos. 521—27, d. Mar. 31, 1900. (115.)

that the method of inflicting the punishment on juvenile offenders had not in all cases been determined by rule as the Code of Criminal Procedure requires, and the local Governments which had not done so were asked to issue directions under section 392. In 1904 the Secretary of State called attention to the case of a convict in Bombay who died from blood-poisoning, the result of neglected wounds caused by a flogging administered to him under a judicial sentence. The Bombay Government had no difficulty in showing that all reasonable precautions were observed, and that in this particular instance death had ensued only in consequence of injudicious treatment applied to the wounds after the convict had returned to his home. They discussed the need for further precautions and tentatively suggested that a convict who had been flogged might subsequently be detained in custody for a short period of observation ; and also that the size of the ratan cane used in inflicting whippings might with advantage be reduced. The Government of India accepted the local Government's conclusions and were reluctant to initiate a general discussion of the subject of whipping ; but a despatch received in December 1904 from the Secretary of State, who invited them to review the question on the ground that with the progress of public opinion the infliction of whipping as a judicial penalty had come to be regarded with increasing disfavour, left them no option but to comply.^a Accordingly they have asked local Governments to advise them as to the general feeling with which such sentences are now regarded, and the classes of offences for which they are deemed appropriate : as to the procedure observed in inflicting whippings : as to the practicability of detaining persons who have been flogged until the wounds have closed, and as to the effect in practice of the use of canes of different sizes. They also asked local Governments to consider whether any modifications were required in the terms of the Whipping Act.^b

5. *Military offenders*.—As a corollary to the revision of the Criminal Procedure Code, the rules governing the cases in which persons subject to military law should be tried by a civil court or by a court-martial were revised in 1902.^c By these rules the civil magistrate was required to wait fifteen days before taking judicial action in order to allow the military authorities time to decide whether a court-martial would deal with the case. In January 1903 the Commander-in-Chief directed that all military offenders concerned in assaults upon natives should as far as possible be handed over to the civil authorities. Further experience showed that so long an intervening period as fifteen days was prejudicial to the ends of justice, and in September 1903 the interval was reduced to five days.^d The procedure to be followed in making over a military offender to the civil authority was also settled in August 1900.^e

6. *Criminal tribes*.—In April 1899, Part I of the Criminal Tribes Act was applied to the Bombay presidency ; the tribe of Hurs in Sind was proclaimed under it, and rules for their control were subsequently settled. In 1900 the Gurmangs of Rawalpindi were declared to be no longer a criminal tribe. The Government of the United Provinces proposed in December 1899 to proclaim the tribe known as Palwar Dosadhs in Ballia who were addicted to making criminal excursions into Bengal ; but the Government of India were unwilling to interfere with the livelihood of such members of the tribe as were gaining a living honestly, and preferred to deal with the Ballia Dosadhs by measures of surveillance only. On further consideration the local Government abandoned its proposal. In April 1904, the Government of India sanctioned

(a) *Desp. no. 43-Judl., d. Dec. 2, 1904.* (116.)

(b) *H. D. letter nos. 837-45, d. June 8, 1905.* (117)

(c) *H. D. notn. no. 817, d. May 23, 1902.*

(d) *H. D. letter nos. 1669-78, d. Sep. 17, 1903.*

(e) *H. D. letter nos. 1224-33, d. Aug. 9, 1900.*

the establishment, as a temporary measure, of a settlement of the tribe of Hurs on certain canal works in Sind. This arrangement was reported to have been a decided success. In 1904-05 on the recommendation of the Government of the Punjab certain sections of Jat Sikhs in the Lahore District and certain Baluchis of the Chenab Canal Colony were declared to be criminal tribes and the Act was accordingly applied to them.

7. *Crime in hill stations.*—In March 1903 the Punjab Government proposed to take special powers to supervise persons of bad character in Simla and other hill stations and in certain circumstances to exclude them. The proposals were directed against a positive evil, but they were framed in such a manner as to impose undesirable disabilities upon domestic servants, and were in other respects open to objection. The Government of India intimated that they proposed to defer consideration of the project until the question of the future administration of Simla had been decided (chap. II, para. 11).

8. *Condemned prisoners.*—In October 1899 local Governments were requested, on receipt of orders declining to interfere with the execution of a death sentence, to acknowledge the purport of the orders by telegram. In 1905 this procedure was extended to cases in which orders commuting capital sentences were passed. In 1899 the procedure in appeals for mercy from condemned convicts in the Punjab was amended so as to obviate further postponements of execution when the Government of India had rejected an appeal and there was no probability that a further appeal would be forwarded to the Crown. On the advice of the Advocate-General, Madras, it was decided in 1900 that if a condemned prisoner becomes insane, the death-sentence should be commuted to one of penal servitude for life. Recently the Government of India have issued orders providing for the disposal of appeals from capital sentences in Coorg where the Chief Commissioner, who is for the purpose of petitions for mercy the local Government, is also Judicial Commissioner. It has been decided that condemned convicts should be instructed to prefer petitions of mercy in the first instance to the Chief Commissioner, but that they should be permitted to present a further petition to the Government of India, if the one addressed to the Chief Commissioner is rejected, execution of the sentence being stayed if necessary so as to give time for the Governor General in Council to consider the case.

9. *Released convicts.*—The revision of the Code of Criminal Procedure in 1898 necessitated the framing of rules under section 565 (3) to regulate the notification of residence by released convicts. Such rules require the previous sanction of the Governor General in Council. Some difficulty was experienced owing to the restricted language of the Code in framing rules which gave entire satisfaction to local Governments; but eventually rules were made for all provinces except British Baluchistan where they were thought unnecessary.

10. *Case of Mr. Rolt.*—This case is one which has formed the subject of long correspondence and aroused much public interest. Mr. Rolt who was a Court of Wards manager in Purnea was tried by the High Court in December 1904 on a charge of bribery and acquitted. The conduct of the officers who dealt with the case departmentally having been impugned in the course of the proceedings in the High Court and in a minute written by the presiding judge, the Government of Bengal appointed a committee of two officers to inquire into the matter. The local Government has found that all the officers concerned acted in good faith and that none of them were influenced by malicious or improper

feelings towards Mr. Rolt. In one case this conclusion was qualified by the remark that while there is no reason to believe that the officer acted in bad faith, he undoubtedly displayed a prejudiced and unjudicial mind. For this he was severely censured by the local Government. Mr. Rolt himself has been declared eligible for further employment; he has been given full pay for the time he was under suspension; and in compliance with his own wish that he should not be required to return to Purnea he has received a sum equivalent to his pay as manager up to the end of 1905. Ample compensation for the legal expenses which he incurred has moreover been paid to him, and the Government of Bengal has further undertaken to consider any application made by him for the prosecution of persons concerned in the charges against him. In memorials which he submitted to the Government of India, Mr. Rolt asked that he might be provided with employment in a native state, or elsewhere. But the Government of India considering that the local Government's orders had placed Mr. Rolt in as favourable a position as if he had not been prosecuted, and in a far more favourable position than if the resignation which he tendered on June 18, 1904, had been accepted by the Board of Revenue, declined to entertain his requests.*

(b) CIVIL.

11. *Judicial holidays*.—The frequency of recent requests for increases to judicial establishments led the Government of India in 1902 to take up the question of regularizing the vacations and miscellaneous holidays enjoyed by the senior courts. Inquiry showed that whereas the number of holidays taken in executive offices in no case exceeded 26 in the year, the High Courts enjoyed a vacation varying from 61 to 78 days and miscellaneous holidays (other than Sundays) varying from 22 to 42 days annually. For so large a discrepancy the Government of India found no justification in the conditions or the requirements of high judicial work. Financial and administrative reasons alike convinced them that some limit should be set to the number of non-working days. In March 1904, reverting to a proposal made by Lord Dufferin's Government in 1885, they proposed to the Secretary of State that the annual vacations should be cut down to a rigid limit of two months. With miscellaneous holidays generally they did not propose to interfere. In the case of the unchartered High Courts the Government has already power to limit the vacation: in respect of the chartered courts legislation would be required, and the Government of India asked the Secretary of State to advise them whether it could be safely undertaken in this country. If the vacation were reduced as they proposed, the Government of India recommended that subject to certain limitations a High Court judge should in future be allowed to prefix vacation to furlough.^b The Secretary of State however fearing that any interference with the powers of the judges to fix their holidays themselves would be resented and might react unfavourably on recruitment, was unwilling to move in the direction suggested, and the matter dropped.*

12. *Conditions of judicial service*.—Lord Elgin's Government in 1898 made various recommendations for increasing the attractiveness of a High Court judgeship, and orders on these were received in May 1899. Rejecting the proposals made to him, the Secretary of State decided that the pay of a puisne judge should be raised to Rs. 4,000: that judges appointed in future should be

(a) H. D. letter no. 1498, d. Sep. 28, 1905. (118)
 (b) F. & C. desp. no. 100, d. Mar. 31, 1904. (119)
 (c) Desp. no. 42-Judl., d. Nov. 25, 1904. (120)

required to retire at the age of 60; and that a full pension should be earned by service of $11\frac{1}{2}$ years.^a District judges were at the same time permitted to take vacation on certain terms without detriment to their regular leave. When the general leave rules were revised in 1901 (Chap. II, para. 22), High Court judges were allowed to add vacation to combined privilege leave and furlough. The Madras and Bombay judges desired that furlough might be admissible in continuation of vacation: and as mentioned in para. 11 above the Government of India conditionally recommended this concession, but in the sequel did not pursue the matter. Later on, the reduction of the period of service for pension was extended to barrister-judges of the two Chief Courts, and subsequently to native judges of the Punjab Chief Court, and to the holders of certain barrister appointments. To these officers also the rule of compulsory retirement at the age of 60 was eventually applied.

13. *Delays in litigation.*—The measures taken to reduce arrears of civil litigation in the Calcutta High Court and in the Punjab Chief Court, the two instances in which the evil attained its largest dimensions, will be separately described (paras. 21 and 22 below). Representations were made to the Secretary of State in 1902 that there was great delay also in the Small Cause and Presidency Police Courts of Calcutta, and in the criminal work of the High Court. The latter allegation was satisfactorily answered by the judges. In the Small Cause Court it appeared that arrears were increasing and the matter was referred to the local Government. It was shown, however, that the arrears were more apparent than real and the explanation submitted by the judges was accepted as satisfactory. The working of the police courts in Calcutta was separately investigated by two High Court judges, with the result that serious abuses were found to exist. Honorary magistrates were inefficient and dilatory, and the work was badly distributed.^b Effective measures were taken to remedy these defects. The pay of the chief presidency magistrate was raised to Rs. 1,500—2,000 and a civilian officer with administrative experience was appointed who would exercise efficient control over the honorary bench. The prosecuting arrangements were also improved and orders were issued to check the chief faults of procedure. A third presidency magistrate was also added for a period of two years.^c It may be added here that the pay of the chief presidency magistrate in Bombay was simultaneously raised to the same amount as in Calcutta. Later on it became necessary to revise the terms of the Calcutta appointment when held by a civilian, and a local allowance of Rs. 200, in addition to the officer's pay in the ordinary line, was attached to it, subject to a maximum of Rs. 2,000 a month.^d

When Lord Curzon visited Karachi in October 1900 the Chamber of Commerce addressed His Excellency on the subject of the delays attending litigation in the Punjab. The Lieutenant-Governor to whom the matter was referred admitted the reality of the grievance and took prompt steps to remedy it by divesting certain district judges of all criminal functions. Again in the early part of 1905, the conference of the Indian and Ceylon Chambers of Commerce drew the attention of the Government to the insufficiency of the arrangements made by the various High Courts for the disposal of commercial cases. In the Calcutta and Bombay High Courts special divisions had been constituted for the disposal of cases of this kind, but elsewhere commercial

(a) *Desp. no. 18-Judl., d. Apr. 27, 1899.* (121)
(b) *Bengal letter no. 2238-J. D., d. July 14, 1903.*

(c) *F. & C. desp. no. 314, d. Oct. 15, 1903.*
(d) *Desp. no. 25-Judl., d. June 2, 1905.* (122)

litigation had not been treated differently from other suits. It appeared in consequence probable that commercial causes were not generally handled with the promptitude which is especially desirable in their case. The Government of India accordingly asked local Governments to take steps in communication with High Courts to ensure that litigation of a commercial character is disposed of with all reasonable expedition in future.

14. *Prize courts.*—By warrants issued by the Admiralty under commission from Her late Majesty, the High Court of Bombay and the Resident at Aden were required, on proclamation being made by the Vice-Admiral that war had broken out, to act as prize courts. On the outbreak of the South African war in October 1899, proclamation was made accordingly by the Governor General and prize courts were instituted. Later on the Admiralty issued similar warrants in respect of the Calcutta High Court and the Chief Court of Lower Burma.

15. *Insolvency Court, Bombay.*—The question of revising the arrangement by which the clerk of the Insolvency Court was remunerated by fees and of utilizing certain interest which had accrued on funds in the Official Assignee's hands has formed the subject of much discussion with the Government of Bombay. The Secretary of State's refusal to sanction a pension for the clerk in insolvency made it temporarily impossible to proceed with the reforms contemplated: but the question was revived in 1903 on the death of the former incumbent and the appointment of clerk in insolvency has since been combined with that of the first Deputy Registrar to the High Court, his establishment being taken over by Government, and the insolvency fees credited to the State. The pay of the three Deputy Registrars of the Court has also been raised: but in spite of this additional expenditure the reforms effected have resulted in a material saving to Government.^a Analogous measures are now being considered in the case of the Madras High Court.

16. *Training in drafting.*—The inferior quality of much of the legislative drafting work in provincial Governments led Lord Curzon's Government to take up the question of providing for the training of competent draftsmen for the various legislative councils and other work germane thereto. After discussion of other alternatives it was decided to invite local Governments to depute in turn a junior member of the Indian Civil Service for a course of six months' training in the Legislative Department of the Government of India.^b In 1902 and 1903 officers from the Bombay and Madras presidencies were respectively deputed: and these are now filling the post of Assistant Remembrancer of legal affairs and Assistant Secretary respectively to the presidential Governments. In 1904 a third officer was deputed from Bengal. In 1905 the Governments of the Punjab and Burma were invited to participate in the scheme, but owing to shorthandedness neither was able to spare an officer for the course of training.

17. *Civil appeals.*—The difficult question of reducing the number of appeals in civil suits has been before Government since 1897. In that year the Government of India placed before local Governments nine suggestions having this object. Want of confidence in the trustworthiness and legal attainments of

(a) { *F. and C. desp. no. 246, d. July 14, 1904.* (123)
Desp. no. 31-Judl., d. Sept. 2, 1904. (124)
 (b) *H. D. letter nos. 1036—41, d. July 17, 1901.* (125)

subordinate courts prevented these from finding wide acceptance : and, after full consideration of the voluminous opinions received, the Government of India decided to propose (1) that a pecuniary limit should be imposed in second appeals, (2) that in the case of concurrent decrees, appeals should be allowed only by leave of the High Court, (3) that in appeals under section 584 of the Code the procedure provided by section 551 should be compulsory, (4) that appeals direct to the High Court should so far as possible be substituted for second appeals, (5) that the orders from which appeals should lie should be reduced in number. The further consideration of the opinions received upon these suggestions resulted in the abandonment of the two latter and the modification of the three preceding. Meanwhile the revision of the Code of Civil Procedure had again been taken up, and the conclusions which the Government of India ultimately reached will be gathered from the paragraph in which that project is described (Chap. XI, para. 53).

The question of amending the law of appeal in the Punjab, which differs from that of the rest of India in allowing questions of fact to be re-opened in further appeal, has also from time to time been considered. The Punjab Courts Act, 1899 (Chap. XI, para. 12) embodies the decision to which the Government of India had come upon the subject in that year. Since that time the conclusion which has been maintained by the local Government and hitherto accepted by the Government of India has been that the law obtaining in the Punjab should not be assimilated to that in force elsewhere. But as it was evident that the great accumulation of arrears in the Punjab Chief Court which is noticed in para. 22 below, had resulted in a large measure from the peculiar facilities for appeal afforded to litigants, the Secretary of State called on the Government of India to consider whether legislation for the purpose of assimilating the law of civil appeal in the Punjab to that obtaining in the rest of India should not be undertaken without delay.^a The local Government has accordingly been consulted.

The procedure in appeals to the King in Council has also been improved. In January 1904 the Secretary of State forwarded certain suggestions made by the Privy Council for the abolition of the antiquated and expensive system of posting "appearance orders," which were generally accepted by the High Courts, subject to certain reservations on the part of the Calcutta High Court. The Allahabad High Court also proposed to give the High Courts power to make rules for the consolidation of appeals in connected cases and this suggestion was commended by the other High Courts. The amendments necessary to give effect to these changes will accordingly be made in the revision of the Civil Procedure Code.^b

18. *Attachment of crops in execution.*—During the administration of Lord Elgin the Government of India consulted local Governments and the Calcutta High Court on two suggestions made by the Government of the United Provinces with a view to obviating difficulties attending the attachment and sale of standing crops in execution of decrees. It was proposed to declare that standing crops are moveable property for the purpose of attachment and sale; and to prohibit the attachment before judgment of crops whether standing or on the threshing-floor. As the law stands at present, standing crops are immoveable property; and, as under existing rules a considerable time elapses

(a) *Desp. no. 21-Judl., d. May 5, 1905.* (128)

(b) { *Desp. no. 4-Judl., d. Jan. 29, 1904.*
H. D. desp. no. 26, d. Dec. 29, 1904.
H. D. desp. no. 7, d. May 11, 1905.

between attachment and sale, they are liable to be spoiled by remaining unattended on the ground. After careful consideration of the opinions received, the Government of India decided that growing crops should be treated as moveable property; that seizure should be effected by making such arrangements for their custody till maturity as the court thinks sufficient: and that the order of attachment may provide for liberty to the debtor to cultivate and reap, and to the creditor to cultivate and reap if the debtor neglects to do so; for the exemption of such portion of the crop as the court finds to be necessary for the subsistence of the debtor; and for postponing the sale of the crop until it is severed in the ordinary course of husbandry. These important provisions have been embodied in the revision of the Code of Civil Procedure.

19. *Petitions from native soldiers.*—In March 1904 the Commander-in-Chief in India referred to the Government of India the question of the disposal by civil officers of petitions from native soldiers on non-military subjects. The occasion of the reference was an unsympathetic circular issued by the deputy commissioner of Hazara deprecating the forwarding of petitions in cases in which the civil authority is unable to act otherwise than according to law. After consulting the Chief Commissioner, the Government of India disapproved of the deputy commissioner's attitude and ruled that native soldiers were entitled to receive the advice and assistance of the civil authorities and that such help ought to be freely afforded so far as the circumstances of each case permitted.^a

20. *Miscellaneous.*—Under this heading various proceedings of minor importance may be briefly described. In November 1902 the Secretary of State forwarded papers relating to the Society of comparative legislation. The replies of local Governments who were consulted as to the prospects of forming branches of the Society in India were not encouraging. The Government of India thought that the initiative should not proceed from Government, and contented themselves with forwarding the opinions received for communication to the Society and suggesting that any further action should be taken in direct communication with the Governments and individuals who had shown interest in the subject. They agreed to subscribe for ten copies of the Society's paper, and left it to local Governments to do likewise if they saw fit.

In October 1903 the question of extending the Colonial Solicitors Act to the Madras High Court was raised by the local Government. The Madras High Court were in favour of the suggestion and the Government of India determined to recommend it to the Secretary of State, and to consult other High Courts upon the further extension of the Statute to them. The Act was eventually extended to the High Court at Madras in November 1904, to the Bombay High Court in March 1905, and to the Calcutta High Court in August 1905.

In pursuance of conventions entered into with the Governments of Japan and of the United States, the Government of India issued orders in 1902 directing that where a Japanese or an American subject dies in British India and there is no one save the Administrator General entitled to apply for letters of administration, such letters shall on certain conditions be granted to the Japanese or American consular representative.^b

A proposal originally put forward in 1899 by the Government of Mauritius for a reciprocal arrangement in insolvency matters between that colony and

(a) H. D. letter no. 1507, d. Oct. 18, 1904.

(b) { H. D. notn. no. 1123, d. July 24, 1902.
H. D. notn. no. 270, d. Feb. 11, 1903.

India has since been exhaustively discussed. The Colonial Office finally accepted the view held by this Government that the need for special legislation was not established.

In 1899 the Secretary of State drew attention to the correct procedure to be followed when it was desired that evidence should be taken in England for production before a civil court in British India. The judicial authorities were moved to instruct subordinate courts accordingly. The Calcutta judges expressed grave doubts as to the admissibility in India of evidence taken by an examiner appointed by the English courts, but on being informed that the High Court in England held itself competent to appoint an examiner under a commission issued in India, they agreed to issue general directions to subordinate courts in the sense desired. More recently the Government of Bombay represented that the interpretation placed on the law by the Home authorities—to the effect that courts in England have no power to take evidence on commissions issued by criminal courts in India—would result in grave inconvenience. Lord Curzon's Government concurred in the view of the law taken in England but as legislation would be necessary to remedy the defect, they expressed themselves unwilling to move in the matter until the need for legislation had made itself generally felt.

In 1900 the Calcutta Trades Association represented that the recovery of debts decreed against public officers was attended with serious difficulties. Inquiry showed that general relief could be afforded only by legislation and the matter was ultimately provided for in the redraft of the procedure in execution laid down by the Civil Procedure Code.

In the same year the Comptroller General proposed to amend the law of succession so as to protect the grantees of letters of administration during a minority from the risk of making payments after its termination, by requiring the date of majority to be stated on the grant itself. After consulting judicial opinion the Government of India decided that there was not sufficient cause for special legislation.^a

In 1901 the Calcutta Trades Association suggested that the law of limitation should be amended so as to exclude from the currency of the period of limitation the interval occurring between the death of a debtor and the grant of letters of administration to his representative, but after reference to local Governments the Government of India were not satisfied that the proposal was a wise one and they declined to proceed with it.^b In December 1903 the Association renewed their proposal in a somewhat different form. They suggested that the law should be amended so as to authorise creditors to register claims against the estates of deceased persons and to exclude from the period of limitation the interval elapsing between such registration and the date on which an executor or administrator is appointed. But this suggestion was judged by the Government of Lord Curzon to be open to the same objections as the earlier proposal and it was accordingly rejected.^c

In consequence of memorials received from residents, and on the strong advice of the Chief Commissioner of the Central Provinces, Uriya, which in 1896 had been displaced by Hindi, was restored in 1901 as the court language in the Sambalpur district. Steps were at the same time taken to encourage the study of Hindi among the Uriya-speaking people of the district. In 1904 it was decided, in connection with the transfer of certain *taluqs* from the Central

(a) H. D. letter no. 1392, d. Oct. 12, 1901.

(b) H. D. letter nos. 1348—51, d. July 30, 1903.

(c) H. D. letter no. 5, d. Jan. 3, 1905.

Provinces to the Madras Presidency, that Telugu should cease to be the court language of the Sironcha tahsil, and that it should be replaced by Marathi which is the official language of the rest of the Chanda district.

Among other questions affecting the procedure of civil courts which came under the consideration of Government were the amendment of the Civil Procedure Code so as to authorise Courts to refuse to summon witnesses on a vexatious or obstructive application: the amendment of the procedure in execution of decrees for conjugal rights: the amendment of section 310 of the Code so as to make it clear that when an order for the sale of immovable property is set aside, the judgment debtor is liable for the payment of the sale fees: the prevention of the institution of groundless suits against defendants in courts situated at a distance from their homes: the alteration of section 325 so as to empower the Collector to refuse sanction to the sale of land in execution of a civil court's decree when he considers the highest bid offered inadequate: and the extension with modifications of section 25 to certain scheduled districts in Madras. The first and last of these proposals were abandoned after reference to local Governments: the second and third were adopted in connection with the revision of the Civil Procedure Code which is fully described elsewhere (Chap. XI, para. 53). The fourth and fifth are still under consideration.

(c) ESTABLISHMENTS.

21. *Chartered High Courts.* (a) *Calcutta.*—The congestion of work upon the original side of the Calcutta High Court became so serious in 1901 as to render an increase in the number of judges inevitable. Litigation is continually increasing in Bengal, and the judges' inability to dispose of their arrears of work resulted in intolerable delay in the hearing of cases and in acute inconvenience to the public at large. The judges' representations received the support of the local Government and of the Chamber of Commerce: and in January 1902 the Government of India asked the Secretary of State to sanction a fourteenth judge provisionally and also certain increases in the ministerial establishment.^a The Secretary of State agreed with reluctance, and desired that the question of relieving the Court in other ways might be further considered. He suggested that a single judge's powers might be enlarged, and that the establishment of a district court, for the disposal of certain classes of litigation now coming before the High Court, might be attended with the same success in Calcutta as in Madras.^b Both these suggestions were carefully examined. The experience of the Allahabad and Madras High Courts was strongly in favour of the extension of a single judge's powers, and the Calcutta judges agreed to modify their rules so as to throw more work upon a judge sitting singly. Legal and mercantile opinion in Calcutta was adverse to the establishment of a district court. In so far as it did not rest on traditional feeling against any derogation from the High Court's dignity the Government of India suspected the opposition of being based on reasons of interest: and they proceeded to consider whether the objections might not be allayed by enlarging the powers of the Small Cause Court and giving it concurrent jurisdiction with the High Court.

In 1903 while these matters were yet unsettled the judges asked for one more judge upon the appellate side, where deplorable arrears had been permitted to accrue.^c Regard for the public convenience made it impossible for the Government of India to withhold relief, but in asking the Secretary of State

(a) *F. and C. desp. no. 13, d. Jan. 23, 1902.* (127)

(b) *Desp. no. 11-Judl., d. Apr. 11, 1902.* (128)

(c) Registrar's letter no. 1855, d. June 11, 1903.

for a fifteenth judge they recorded a deliberate opinion that the judges' outturn of work was insufficient and that the practices of the court were cumbrous and dilatory.^a The Secretary of State did not respond to the invitation to insist upon reforms in respect of the matters referred to, but he agreed to the appointment of a fifteenth judge for one year in order to give time for the consideration of other remedies and the appointment was extended for another year in 1905.

Towards the proposal to enlarge the Small Cause Court's powers the attitude of the commercial community was distinctly hostile, and that of the High Court discouraging. The Lieutenant-Governor was in favour of extending the Small Cause Court's pecuniary jurisdiction from Rs. 2,000 to Rs. 5,000, but he was opposed to any further changes.^b Meanwhile the Secretary of State expressed the opinion that the court's summary jurisdiction should not be raised; and suggested that it might be wiser to establish a regular side to the court on which cases outside its present jurisdiction might be heard, subject to an appeal to the High Court. This scheme differed but little in essentials from the project for a district or city court: and in view of the opposition which the earlier proposals had encountered, Lord Curzon's Government decided not to proceed with any scheme involving organic changes. They adopted this decision with the less hesitation as they found that in consequence of the special assistance already afforded to the High Court and of various minor reforms in its internal administration their main object had been attained, and arrears had been very materially diminished. On the original side the congestion is partly attributable to the practice of recording evidence and judgments in long hand, a procedure which necessarily retards the disposal of cases. The Government of India accordingly proposed to the Secretary of State to employ shorthand-writers for this duty. Mr. Brodrick has pointed out apparent difficulties in the way and these are being referred to the judges.

The increases in the bench of the court made in 1902, 1904 and 1905 have involved consequential additions to the ministerial establishment. In 1902, in connection with the measures taken for the reduction of arrears on the original side, an extensive reorganization of the ministerial establishment was sanctioned at a cost of over half a lakh. Again in 1904 the staff on the appellate side was strengthened and the prospects of the members improved at a cost of Rs. 19,000. In 1905 the pay of menials in the service of the High Court was also improved. The improvements made in 1902 on the original side of the Court included the appointment of a Master who is empowered to dispose of references and to whom certain other semi-judicial duties have lately been delegated. The Government of India have recently seen reason to think that the importance of maintaining the rule which requires the retirement of ministerial officers at the age of 60 years at most has not been sufficiently appreciated by the High Court, and they have taken steps to secure its stricter observance.

Apart from measures taken to enable arrears to be cleared off, the Lieutenant-Governor of Bengal represented that it was very necessary that a thorough inspection of mufassal courts throughout the province should be made,^c and for this purpose an additional judge of the High Court was appointed for three months in January 1904, and again in the cold weather of 1904-05. These inspections have been of great benefit to the judicial system of the province, as they have exposed and corrected many serious defects in the procedure of subordinate courts.

(a) F. and C. desp. no. 99, d. Mar. 31, 1904.

(b) Bengal letter no. 656-J., d. Jan. 24, 1905.

(c) Bengal letter no. 5120-J., d. Dec. 22, 1903.

(b) *Allahabad*.—When the designation of the North-Western Provinces and Oudh was changed, in the manner described in Chap. II, para. 10(a), the title of “High Court of Judicature for the North-Western Provinces” ceased to be appropriate for the High Court at Allahabad. The Government of India recognised at the time that some change in the Court’s designation was desirable but they resolved to wait until the judges themselves, whose attitude in the matter was decidedly conservative, should have become more familiar with the idea of change. In 1904, however, the Secretary of State suggested that the Government of India should undertake legislation to effect an alteration of the Court’s title. He was advised, he said, by the Law Officers that the matter was within the legislative competence of the Governor General in Council.^a In passing it may be noted that this opinion must be regarded as one of great importance, as it covers several matters outside the one immediately under discussion. It confirms the Government of India in the view which they have always taken of their legislative powers in relation to the chartered High Courts; and it strengthens their position materially in insisting on reforms. Before undertaking legislation, however, Lord Curzon’s Government referred to the local Government and the judges, and suggested that the future designation of the Court should be “the High Court of Judicature at Allahabad.”^b The judges have since asked that they might be furnished with the text of the Law Officers’ opinion; but the Government of India could not support their request which was opposed to the long-standing practice of the India Office. The judges’ reply has just reached the Government of India. They do not accept the Law Officers’ opinion, and they decline to recommend that legislation should be taken in India on the strength of it. Another reference to the Secretary of State will probably be necessary before further action is taken. It may be possible to settle the question by an extra-judicial reference to the Privy Council. The proposal made in 1905 that the seat of the Allahabad High Court should be transferred to Lucknow is noticed in paragraph 22(c) below.

22. *Non-chartered High Courts.* (a) *Lower Burma*.—The complexity and insufficiency of judicial arrangements in Burma had been exhaustively considered by Lord Elgin’s Government, and early in 1899 the Government of Lord Curzon determined to propose the creation of a Chief Court for Lower Burma consisting of three judges, who would absorb the existing jurisdiction of the Recorder, the Judicial Commissioner and the Calcutta High Court. The scheme was no new one. Somewhat similar proposals had been negatived by Lord Kimberley in 1882, and, after having been again put forward in Lord Ripon’s time, had been abandoned by Lord Lansdowne’s Government in 1889: but the Government of India were now fully satisfied that the geographical position and growing commerce of the province entitled it to possess an ultimate tribunal of its own.^c Her late Majesty’s Government preferred to create a court of four judges (two civilians and two barristers) and authorised the Government of India to proceed with the legislation necessary,^d which is further noticed in Chapter XI. The new Court was established on April 16, 1900. The selection of the new Chief Judge was awaited with keen interest by the public. Mercantile and legal opinion favoured the appointment of the Recorder of Rangoon: but the necessity of ensuring the efficient supervision of subordinate courts and the superior importance of the appellate work originating outside Rangoon led the

(a) *Desp. no. 27-Judl., d. Aug. 12, 1904.* (129.)
 (b) H. D. letter no. 652, d. May 9, 1905.

(c) *F. and C. desp. no. 131, d. May 4, 1899.* (130.)
 (d) *Desp. no. 48-Judl., d. Aug. 3, 1899.* (131.)

Government to decide that the Chief Judge should at the outset be a civilian. This resolution the Government of India justified in their reply of June 1900 to various memorials in which it had been impugned;^a and to it they adhered in 1902 and again in 1905, when Mr. (now Sir) H. Thirkell White and Mr. Adamson were successively appointed to the office of Chief Judge. In replying to the latest representation on the subject made to them by the Rangoon Chamber of Commerce, the Government of India noted that local experience was for the first time not regarded by Rangoon opinion as an essential qualification for the office of Chief Judge. They laid down the general principles which they regarded as governing the case: and they observed that the decision must in the main be determined by the personal eligibility of the candidates. The chances were, they said, likely as a general rule to be in favour of candidates from Burma, while among local candidates a member of the Indian civil service would probably be found more frequently to possess the necessary qualifications than a member of the bar. Replying to a further proposition advanced by the Chamber the Government of Lord Curzon declared that a definite ruling to the effect that a judge should be regarded as ineligible for elevation to high executive office was opposed to precedent and would be uncalled for and injurious.^b Various questions relating to the leave, pay, pension and respective precedence of the Burma judges which subsequently arose for settlement need not be noticed here. The appointment of Registrar of the court was at first held by a provincial service officer. More recently in accordance with the wishes of the judges a civilian has been appointed.

(b) *Punjab*.—The permanent strength of the Punjab Chief Court has hitherto been four judges, but in 1897 two additional judges were sanctioned to enable arrears to be disposed of. It was found necessary to retain both of these until March 1903, when in view of the relief afforded by the change in the law of civil appeals and by the creation of the new frontier province, one temporary judge was reduced and the other retained for a further period of two years. In 1900 the judges represented that they should be given the status of a High Court, but the Government of India considered that a Chief Court was better suited to the conditions of the province and were unable to support the request. The pay of the Chief Judge, however, was raised from Rs. 3,750 to Rs. 4,000, and the title of Honourable was conceded to the Judges both of the Burma and of the Punjab Chief Courts.^c

By August 1904, however, the arrears of work in the Punjab Chief Court had increased to such an extent as to constitute a grave reproach to the judicial administration and to render it evident that a permanent staff of four judges was quite inadequate to deal with them. The Lieutenant-Governor accordingly proposed to appoint a fifth judge in permanence, and four temporary additional judges for one year or such further period as might be necessary to enable the arrears to be cleared off. The judges themselves were in favour of adding two more to their number for a term of years. Heavy as was the expenditure involved the Government of India determined to support the Punjab Government's proposals rather than suffer the congestion of business to be prolonged to the detriment of the public: and on their recommendation the Secretary of State sanctioned the additional appointments.^d In the course of the

(a) H. D. letter no. 816, d. June 5, 1900. (132.)
(b) H. D. letter no. 1063, d. July 13, 1905. (133.)

(c) { F. and C. desp. no. 259, d. Aug. 30, 1900. (134.)
 { Desp. no. 65-Judl., d. Dec. 13, 1900.
(d) { F. and C. desp. no. 92, d. Mar. 2, 1905. (135.)
 { Desp. no. 21-Judl., d. May 5, 1905. (136.)

discussion the Government of the Punjab proposed the appointment of a Commission to enquire into the practice and procedure of the Court. This suggestion was discussed in conference with the Lieutenant-Governor and it was decided not to proceed with it at the present time. The new judges took their seats from October 9, 1905, on the expiry of the Court's vacation.

(c) *Oudh*.—The temporary appointment of a second additional Judicial Commissioner during 1898 and 1899 proved to be of only temporary benefit, and in 1901 the work of the Judicial Commissioner's court was again hopelessly in arrears. The Government of the United Provinces thereupon renewed its earlier proposal to bring Oudh within the jurisdiction of the Allahabad High Court and to establish a divisional bench at Lucknow. It thought that temporary additions to the Judicial Commissioner's court were an unsatisfactory expedient: while the appointment of a third judge in permanence practically meant the creation of a Chief Court for Oudh and the deferring of judicial amalgamation with the North-Western Provinces.^a The Government of India, who looked forward to amalgamation as the ultimate solution, preferred to revive the additional third judgeship for a period of two years.^b This period expired in April 1904 and the local Government then recommended that the post should be made permanent. The Government of India however decided to continue the third judge only for one year more, so as to give time for further consideration of the question of permanent arrangements,^c and they invited the Lieutenant-Governor to state his views in detail upon the various possible alternatives, bearing in mind that ultimate amalgamation with the High Court at Allahabad was the end to be kept in view. In reply the local Government said that amalgamation was for the present impracticable unless the consolidated High Court could be established at Lucknow, and that of the various alternative methods of continuing a separate Court in Oudh, the institution of a Judicial Commissioner's court with three judges was much to be preferred. The establishment of a divisional bench of the High Court at Lucknow was now regarded with disfavour by all parties: and the establishment of a Chief Court was deprecated on the grounds that it would impede eventual amalgamation and might embarrass the local Government.^d For reasons discussed elsewhere (Chap. II, para. 12) the Government of Lord Curzon were not prepared to advocate the transfer of the existing High Court from Allahabad to Lucknow, and they accordingly determined to recommend that the appointment of second additional Judicial Commissioner should be made permanent. This arrangement was accepted by the Secretary of State in May 1905.^e A civilian officer has recently been appointed Registrar of the court, with a local allowance of Rs. 100.

(d) *Central Provinces*.—In 1902 it became apparent that the work of the Judicial Commissioner in the Central Provinces exceeded the capacity of a single officer. The decision arrived at during the revision of the Civil Courts Act to the effect that appeals exceeding Rs. 5,000 in value should lie directly to the final court, afforded additional reason for giving him relief. The Government of India agreed with the Chief Commissioner that an additional Judicial Commissioner was required; but they thought that a pay of Rs. 3,000 (instead of Rs. 3,333½ as the Chief Commissioner suggested) would suffice, and they were not prepared to declare the appointment open to the provincial service, as Mr. Fraser

(a) N. W. P. & O. letter no. 318, d. Apr. 1, 1901.
 (b) F. and C. desp. no. 201, d. June 13, 1901.
 (c) F. and C. desp. no. 95, d. Mar. 31, 1904.

(d) { *U. P. letter no. 662, d. Aug. 1, 1904.* (88.)
 { *H. D. letter no. 187, d. Feb. 2, 1905.* (89.)
 (e) { *F. and C. desp. no. 65, d. Feb. 16, 1905.* (137.)
 { *Desp. no. 15-Judl., d. Apr. 7, 1905.* (133.)

had proposed." The Secretary of State sanctioned these proposals with effect from the date on which the new law should come into force.^b The accretion of Berar to the Central Provinces made it temporarily necessary further to strengthen the Judicial Commissioner's court, and the Government of India adopted the Chief Commissioner's proposal that the Judicial Commissioner of Berar should be transferred to Nagpur as second additional Judicial Commissioner until further experience should show whether a third judge was necessary in permanence. This arrangement was accepted by the Secretary of State and took effect from September 1, 1905, the date on which the Berar Courts Law came into force. The pay of the second additional Judicial Commissioner will probably be fixed at Rs. 2,750 and the appointment, like that of the second judge of the court, will not be declared open to the provincial service.^c Proposals have just been received from the Chief Commissioner for the institution of the bench system in the provincial High Court.

(e) *Sind*.—Mercantile opinion at Karachi has for some time been dissatisfied with the present Sadar Court as a final tribunal of appeal. In September 1902 the Bombay Government submitted a scheme for the creation of a Chief Court in Sind consisting of three judges.^d The Government of India reserved opinion until it had been decided that Sind should not be joined to the Punjab: but finally they intimated that they could not accept proposals in the shape submitted and consulted the local Government upon the alternative suggestion that a barrister judge should be added to the High Court to work at Karachi for half the year. The local authorities and the Bombay judges were opposed to this suggestion, and the Government of Bombay again pressed for the adoption of their original scheme, though they agreed to abandon the title of Chief Court for the new tribunal. The Government of India were not persuaded that their original objections had been completely met, but they decided to support the proposals as being the best that could probably be devised in the peculiar circumstances of the case, and as meeting the wishes of the commercial community. The scheme has accordingly been laid before His Majesty's Government.^e

23. *Additional judicial officers*.—From time to time the increase of litigation has necessitated a permanent or temporary strengthening of the judicial staff. In Madras temporary sub-judges were sanctioned in 1901 and 1904 for the Trichinopoly, Tanjore and Coimbatore districts. Two new munsifs were added in 1902 and a third temporary munsif in 1904. An additional judgeship was also sanctioned in 1905 to provide for the newly-created district of Guntur. In the Bombay presidency a temporary sub-judge was appointed at Bijapur in 1900, and a permanent sub-judge for Dharwar was added in 1904. In Sind four additional sub-judges have been appointed. The increase of civil work in Bengal led to the appointment of an additional district judge in Jessore, Khulna and Backergunge, and to the temporary appointment of additional judges in Burdwan, Gaya, and the 24-Parganas. Four permanent sub-judges were added in 1902, but in spite of this further temporary appointments were found necessary. In 1905 the Bengal Government proposed to add another permanent sub-judge to the cadre in order to provide for the increase of work in the 24-Parganas, but the Government of India were not satisfied that the required relief could not be afforded otherwise and they have remitted the proposals for reconsideration. But the increase of work in the Muzaffarpur

(a) F. and C. desp. no. 239, d. Aug. 14, 1902.

(b) Desp. no. 46-Judl., d. Dec. 10, 1902.

(c) H. D. desp. no. 13, d. Sep. 14, 1905. (139)

(d) Bombay letter no. 5923, d. Sep. 19, 1902.

(e) F. and C. desp. no. 249, d. July 13, 1905. (140)

and Darbhanga districts of Bihar has led the Government of Bengal to recommend that an additional judgeship should be created for those areas and the Government of India have supported the proposal. In the United Provinces temporary additional judgeships were from time to time created in Budaon, Meerut, Agra, Saharanpur and Moradabad. At Meerut, however, these temporary arrangements proved insufficient, and in 1904 an additional judge was appointed to that district for a period of three years in the first instance. This officer will also afford relief to the neighbouring judgeship of Saharanpur which likewise is a very heavy charge. Additional sub-judges have also been appointed for various periods in Meerut, Saharanpur, Moradabad, Aligarh and Gorakhpur. In Burma pending the organization of the judicial service (para. 24) an additional judge has been added for the Pegu and Irrawaddy divisions. An additional judge has also been added to the Small Cause Court at Moulmein. In 1902 the cadre of munsifs in the Central Provinces was enlarged from 27 to 51. The temporary appointment of the second sub-judge for Sylhet in Assam was made permanent in 1903.

The Government of India have often experienced difficulty in dealing with applications for additional judicial officers, which are made on the ground that the work for disposal is more than the existing staff can cope with, owing to the absence of any statistical test which can be readily applied to the case under consideration. Accordingly in 1904 they consulted local Governments and High Courts upon the feasibility of devising standard tables which should show the number of cases of each kind of which the various classes of courts might under normal conditions reasonably be expected to dispose.^a They recognised that such standards must be varying and fallible, but they were inclined to think that with all their defects they would be preferable to the entire absence of any statistical criterion, and would be found to diminish correspondence and to facilitate decisions. The opinion of the majority of the authorities, however, was that mechanical tests of the kind could not with advantage be adopted, and the Government of India acquiesced in this conclusion.^b They added that the best test of the outturn of judicial work was afforded by regular inspections on the part of higher judicial authority; and that it was of importance to consider the question of *personnel* in connection with proposals for the increase of judicial establishments.

24. *Judicial reorganizations*.—Much has been done during the past five years to improve the conditions of judicial service throughout India. In nearly all the larger provinces the superior judicial establishment has been reorganized. In Madras all district judges are practically in one grade. The local Government has proposed to regrade them on pay ranging from Rs. 1,800 to Rs. 3,000; but orders have been deferred in accordance with the express wishes of the Secretary of State, pending consideration of the questions of creating new districts and of regrading the executive establishment. In the Bombay presidency, where judicial service had grown to be decidedly unpopular, the pay of the lowest grade of judges has recently been raised to Rs. 1,800; a new grade on Rs. 2,500 has been made; and two assistant judgeships have been converted into district judgeships. In Bengal a regrading of the district judges was sanctioned in 1900. There are now three judges on Rs. 3,000, fourteen on Rs. 2,500 and sixteen on Rs. 2,000. In the United Provinces arrears of civil work led in 1901 to the institution of six assistant judges, two

(a) H. D. letter nos. 924—31, d. May 31, 1904.

(b) H. D. letter nos. 881—89, d. June 14, 1905.

drawn from the Indian Civil Service and four from the provincial service. In the Punjab the attractions of judicial service have been enhanced by raising the pay of the lowest grade of district judges (who there hold smaller charges than in regulation provinces) to Rs. 1,500. The local Government asked also for one more divisional judge and for an increase in the pay of judges of the first grade from Rs. 2,500 to Rs. 2,750 : but the Government of India have twice intimated that they do not think a case made out. In Lower Burma the continuing increase of business in the deltaic districts led the local Government to propose the creation of a separate judicial service of twelve officers with the object of relieving commissioners of all judicial work. This was a most important reform. Executive officers had not had sufficient time to spare for judicial functions; and the administration of justice had in consequence suffered. Important appellate work had to be entrusted to junior officers, and the work of the subordinate judiciary was imperfectly supervised. The scheme prepared by the Government of Burma and adopted by the Government of Lord Curzon provided for the appointment of five new divisional and seven new district judges, two of the latter posts being thrown open to the provincial service. These proposals were sanctioned by the Secretary of State in October 1901. In the Central Provinces the pay of the Judicial Commissioner was raised from Rs. 3,166²/₃ to Rs. 3,500 in 1901. The divisional judges were regraded at the same time on more favourable rates of pay. The appointment of an additional Judicial Commissioner for the Central Provinces has already been described in para. 22, while that of a separate judge for the Assam Valley is noticed in chap. II, para. 19. The reorganization of the judicial arrangements in Berar is of sufficient importance to require separate notice (para. 25 below). Improvements affecting the lower judiciary have also been sanctioned in four provinces. In Bengal four subordinate judges were added, and the establishment of munsifs was regraded so as to equalise the average pay of the provincial judicial service with that of the provincial executive service. Sub-judges transferred temporarily from one district to another have been granted an allowance equal to travelling allowance at full rates for the first month and at half rates for the two months succeeding; and this concession has recently been extended to munsifs also. Subject also to certain limitations officiating munsifs have been allowed travelling allowance for journeys on first appointment or on transfer. A scheme for putting the subordinate judiciary in Oudh on a level with that of Agra was also considered by Lord Curzon's Government and was eventually sanctioned by the Secretary of State in October 1904. In Burma the myoòks and extra assistant commissioners who do civil court work have been organized into a separate judicial service on pay ranging from Rs. 200 to Rs. 400 : and the position of the remaining myoòks has been improved by a regrading of the cadre. In the Central Provinces also tahsildars and naib-tahsildars have been relieved of civil court work and the cadre of munsifs has been simultaneously regarded.

25. *Judicial arrangements, Berar.*—The amalgamation of Berar with the Central Provinces led to the complete revision of the judicial system of the former province and its assimilation so far as possible to that of the latter. The court of the Judicial Commissioner of the Central Provinces, strengthened by the addition of the Berar Judicial Commissioner, has been constituted the highest court of appeal in Berar. For the administration of criminal

justice two sessions judges have been appointed, but, as in the Central Provinces, their powers of hearing civil appeals will be restricted to cases not exceeding Rs. 5,000 in value. To relieve them of much of the civil original and appellate work of a district judge, two purely civil judges have also been appointed. Deputy commissioners who have long been overburdened by judicial business have been relieved by the transfer of such duties on the one hand to the sessions judges and on the other to the subordinate magistracy. Small cause court powers also will no longer be given freely to subordinate courts. To give legal effect to these changes the Berar Courts Law, 1905, was passed, and the Berar Small Cause Courts Law was simultaneously revised. The changes involve considerable expense but the Government of India have willingly incurred it in the expectation of securing for Berar a far more satisfactory judiciary than it has hitherto enjoyed.^a

26. *Administrator General, Bengal.*—In 1899 circumstances came to the notice of the Government of India which indicated that serious frauds had been perpetrated in the Administrator General's office. Apart from the specific irregularities which were disclosed in the criminal courts, the marked dissatisfaction with which the conduct of the office was regarded by the commercial community induced the Government of India to appoint a committee consisting of a High Court judge, the Comptroller General and the Presidency Commissioner to inquire into the administration of the estates in the Administrator General's hands.^b The committee made their report in February 1901. They found that claims had been insufficiently examined, that the distribution of assets had been delayed, that the office needed weeding and reorganization, and that the arrangements for managing outside estates were unsatisfactory. They proposed that the Administrator General should no longer be paid by a commission but should be remunerated by a fixed salary, and assisted by a deputy. The Government of India accepted these proposals but preferred to defer the appointment of a Deputy Administrator General for the time being. The Secretary of State's sanction was then obtained to the initiation of the legislation required and to the creation of the new post of Administrator General on Rs. 2,000—2,500.^c A bill to effect the necessary changes in the law was introduced at once, and on January 1, 1902, Mr. Hyde was appointed. The reorganization of the office has proved a lengthy and difficult business. The assistants who had incurred suspicion of misconduct have been removed: a new scale of establishment has been introduced: fresh accommodation has been provided and new departments have been instituted. After a year's experience it became evident that the work was beyond the powers of a single officer and with the Secretary of State's assent the post of Deputy Administrator General was created.^d Under the old system the financial transactions of the office had been very involved and the question of their simplification has formed the subject of a long discussion. Eventually the Government of India decided to abolish the three separate funds—known as the audit fund, the audit fund reserve fund, and the audit fund investment account—which had been previously maintained, and to debit some of the items chargeable thereto to Government, and others rateably among the estates. A portion of the funds in the Administrator General's hands consists of balances in respect of which claims have been allowed but not paid, owing to failure to trace the claimants. It has been held that such moneys cannot as the law stands

(a) *F. and C. desp. no. 47, d. Feb. 2, 1905.* (141.)
(b) *H. D. resn. no. 1085—92, d. July 20, 1900.*

(c) { *F. and C. desp. no. 165, d. May 23, 1901.* (142.)
 { *Desp. no. 45-Judl., d. Oct. 4, 1901.*
(d) { *F. and C. desp. no. 347, d. Dec. 4, 1902.*
 { *Desp. no. 1-Judl., d. Jan. 16, 1903.*

be credited to Government, and their maintenance in the Administrator General's hands serves no useful purpose and impedes the closing of old accounts. Good progress has on the whole been made with the laborious business of settling and closing the many accounts of old standing, and now that the financial procedure of the office has been simplified, it is probable that the Government of India will shortly reconsider the question of amending the Administrator General's Act. During 1902-04 the office has not been a source of profit to Government, but its credit with the public is being gradually rehabilitated and future years should show a surplus.

27. *Sheriffs*.—In 1899 as the outcome of a long previous discussion the Government of India agreed that the establishment of the sheriff of Madras should be regarded as Government servants eligible for pension. More recently the whole question of the shrievalty has been reconsidered. Lord Curzon's Government agreed with their predecessors that the office, which exists only in the three presidency towns and there really for ceremonial purposes only, is an anachronism; but out of regard for non-official sentiment and tradition they thought it impolitic to reduce it to rule. Confining themselves therefore to the question of financial results, which were very discrepant in the three presidencies, they suggested that the large surplus accruing from the fees in Calcutta should be in part devoted to providing pensions for the sheriff's staff.^a Mr. W. A. Bankier, who was sheriff in 1904, accepted the proposal: but as the existing law leaves the fees entirely at the disposal of the sheriff it was necessary to arrange with the Chief Justice of the High Court whose duty it is to nominate to the office, that future nominees should be similarly prepared to accept the arrangement in the event of their appointment. The present sheriff, Mr. E. Cable, has approved of the scheme but pending the settlement of certain details it has not yet been actually brought into practice.

28. *Law officers*.—In 1897 a committee was appointed by Lord Elgin's administration to consider the arrangements for the conduct of the legal business of Government. Upon their recommendation the Government of India decided that on a convenient opportunity the offices of Administrator General and Official Trustee should be amalgamated and likewise those of Official Assignee and Official Receiver.^b An opportunity of effecting this amalgamation in the case of the Administrator Generalship and Official Trusteeship at Bombay occurred in 1904, and the two posts were accordingly combined with effect from March 1905, the date when the Secretary of State's sanction was received. The terms fixed for the joint appointment were the same as those previously settled in the case of the Administrator General, Bengal (para. 26), save that exchange compensation allowance was not given.^c In communication with the Secretary of State it was further arranged that Advocates General should in future be appointed for a term of five years renewable at pleasure and that they should vacate office at the age of 60.^d The law departments of several provincial Governments have also been reorganized. In the Punjab much of the civil work was devolved upon the district Government pleaders, and the junior Government Advocate was replaced by an Assistant Legal Remembrancer. About the same time a part-time officer was appointed as Assistant Government Advocate in the United Provinces. In 1902 the appointment of Assistant Remembrancer of Legal Affairs was created in

(a) H. D. letter no. 715, d. Apr. 29, 1903.
(b) H. D. letter no. 968, d. July 4, 1899.

(c) { *F. and C. despatch no. 25, d. Jan. 19, 1905* (143.)
 { *Desp. no. 12-Judl, d. Mar. 10, 1905.* (144.)
(d) { *H. D. despatch no. 24, d. July 20, 1899.*
 { *Desp. no. 61-Judl, d. Nov. 2, 1899.*

Bombay. In Burma difficulties were felt in filling the post of Secretary to the Legislative Council, and in 1901 the pay was raised from Rs. 500 to Rs. 1,000. In 1904 the arrangements for the conduct of the legal business of Government in the Central Provinces were felt to be no longer adequate and the pay of the Government Advocate has been raised with the sanction of the Secretary of State to Rs. 1,000, with liberty of private practice.^a In September 1900 with the Secretary of State's concurrence the Government of India ruled that the legislative Assistant Secretary to the Government of Bengal should be regarded as filling a barrister appointment: but they declined to extend the concession to the similar appointment in Burma which is only temporary in character.

29. *Solicitor to Government*.—The Government of India have from time to time had occasion to complain of the great delays which attended the disposal of the cases referred by them to the Solicitor to Government: and in March 1901 they were compelled to threaten to cancel the Solicitor's agreement unless he gave an effective guarantee that such delays would not recur. The required undertaking was given, but on various subsequent occasions it has been necessary to redirect the Solicitor's attention to the matter. The late Solicitor to Government was of opinion that his office was understaffed, but no definite representation on the subject has been made to Government.

In connection with the arrangements for the prosecution of important criminal cases in the Calcutta police courts, the Government of Bengal raised the question of the sufficiency of the allowances made to the Solicitor to Government. The Government of India in reply reviewed the past correspondence at some length and showed that the allowance of Rs. 1,000 a month given for the performance of the criminal business of Government was in reality a contract allowance of the same character as the allowance of Rs. 2,000, which is paid for the conduct of the civil business. The allowance was fixed in 1866 and it was possible that conditions had so changed since that date that the contract was now disadvantageous to the Government Solicitor: but there was no evidence before the Governor General in Council to show that such was the case.^b

30. *Legal advice at Simla*.—In recent years much inconvenience has been felt by the Government of India during the Simla season in dealing with questions involving points of law which could not be referred to the Legislative Department and on which the opinion of the law officers in Calcutta could only be obtained at the expense of considerable delay. The expedient of appointing an officer who should be unconnected with any of the departments but should accompany the Government of India to and from Simla was first suggested: but the practical difficulties in the way led to the abandonment of the proposal. About the same time the Legislative Department proposed to add another officer to its staff, which was stated to be unable to deal with the numerous references from the administrative departments. It was suggested that this step might have the effect of reducing the inconvenience above referred to, as it would enable the Legislative Department to afford more assistance to the other departments in the disposal of legal questions. This proposal however was abandoned in favour of the suggestion that the difficulty might be solved without making any radical change in the existing system, if it could be arranged with the Calcutta

(a) { *F. and C. despatch no. 67, d. Feb. 16, 1905. (145)*
Desp. no. 20-Judl., d. Apr. 21, 1905. (146) }

(b) H. D. letter no. 432, d. Mar. 21, 1905.

legal firm undertaking the work of Solicitor to Government that they should depute either a partner or a competent assistant to Simla for the season. Inquiry is accordingly being made from Messrs. Sanderson & Co.

31. *Cantonment magistrates.*—In 1899 a new full-time cantonment magistracy was created for the hill cantonments in the Sirhind military district with head-quarters at Kasauli: and in 1903 two new similar appointments were added to provide for Jubbulpore and Nowshera. More recently the Government of India have agreed to the reduction of Deesa cantonment to a part-time charge and the conversion of the Karachi cantonment magistracy into a full-time appointment. In executive matters cantonment magistrates are subordinate to the military authorities; as judicial officers they are under the local Government. In a few instances friction has resulted from this dual control. At Dinapur it became necessary in 1901 to relieve the cantonment magistrate of his collateral duties as civil sub-divisional officer in order to set him free for his proper duties within the cantonment. In the same year some dislocation of work was caused at Allahabad by the action of the military authorities in suspending the cantonment magistrate, Captain Bernard, for insubordination towards the General Officer Commanding. Captain Bernard was eventually removed from the department on the ground of general unfitness for the office, and the Government of India issued orders defining the responsibility of cantonment magistrates towards the military authorities.^a At Meerut also in 1901, the action of the cantonment magistrate in certain executive matters formed the subject of a difference of opinion between the local Government and the Lieutenant-General Commanding.

During the years 1901-02 the conclusion was forced upon the Government of India that the existing condition of the department was unsatisfactory. The military authorities thought that executive duties were sacrificed to judicial work and that the present system provided and encouraged an unsuitable type of officer for the appointment. On the other hand the Home Department found the utmost difficulty in obtaining substitutes for officers on leave, a difficulty attributable partly to military exigencies but largely also to the unpopularity of the service. In August 1902 a Committee consisting of the Home Secretary, the Quarter Master General and a senior cantonment magistrate, was convened at Simla to consider the whole question of improving the cantonment magistrates' service. Their proposals were adopted by the Government of India and sanctioned by the Secretary of State.^b To render the department more attractive two new grades, one of three and one of six posts, carrying a staff pay of Rs. 700 and Rs. 600, respectively, were added. These are filled by strict selection from among officers having ten years' service. Besides the two new appointments at Jubbulpore and Nowshera already mentioned, five new posts as assistant cantonment magistrate were created to provide for Umballa, Meerut, Mhow, Poona and Quetta. A reserve of two officers was also added. Finally with the object of providing expert supervision of the executive work of the department the appointment of Inspecting Officer of cantonments on a staff pay of Rs. 1,000 was created for five years. Lieutenant-Colonel Thornhill, C.I.E., formerly cantonment magistrate of Bareilly, has been appointed to the new office. The total cost of this reorganization was approximately 1½ lakhs a year. Of its effect it is as yet too soon to speak, but there are

(a) { H. D. letter no. 962, d. July 4, 1901.
H. D. letter no. 1680, d. Dec. 17, 1901.

(b) { F. and C. desp. no. 85, d. Feb. 19, 1903. (147)
Desp. no. 61-Mily., d. Apr. 24, 1903. (148)
H. D. resn. nos. 1507-1521, d. Aug. 24, 1903 (149)

signs that the improved conditions of service are attracting more candidates to the department. There is, however, no doubt that the appointment of an inspecting officer was a thoroughly sound step ; for under the improved supervision thus secured the income of cantonment funds has largely risen and better methods of conservancy and sanitation are being everywhere introduced.

Subsequently, however, it was found that the arrangements settled in 1903 failed to ensure that the most important and onerous cantonment magistracies were always filled by the most efficient officers and in 1904-05 the Government of India examined the further question of the authority by whom the department should be controlled. The existing procedure presents various anomalies. The department is recruited from the army ; applications from candidates are registered by the Quarter Master General, and as officiating vacancies occur nominations are made by the Commander-in-Chief for the orders of the Governor-General in Council : on appointment by the Government of India, an officer's services are placed at the disposal of the local Government : confidential reports on cantonment magistrates, both in respect of their judicial and of their executive qualifications are forwarded to the Quarter Master General : proposals for their confirmation or promotion, based upon these reports, emanate from the Commander-in-Chief, final orders being passed by the Government of India after reference in some cases, to the local Governments concerned : since local Governments have no reserve of officers the Government of India control the posting of officers to a province, while within provincial limits postings are in the hands of local Governments ; the latter grant privilege leave, and arrange as far as they can for substitutes : on the other hand the Government of India grant furlough and supply substitutes for absentees, but depend on the Commander-in-Chief for obtaining the officers required : transfers between provinces are possible only after reference to local Governments and at the cost of considerable delay : but as it is impossible for the Government of India to select an officer independently of the requirements of the particular post, there is an involuntary encroachment upon the discretion given to local Governments to arrange all postings within their own jurisdiction, although the Government of India have been able only to indicate their wishes in the form of a suggestion which has depended for its effectiveness on the courtesy of the local Government. These reasons led the Government of Lord Amthill in 1904 to consider whether the Government of India or local Governments were in a position to maintain efficiently the control of the cantonment magistrates' department. In favour of transferring it to the military authorities were the considerations (1) that these authorities control recruitment, and can select officers specially suited for the work ; (2) that owing to the general advance of sanitary science, the executive duties of cantonment magistrates have gained enormously in importance within the last few years ; (3) that the military authorities have now the advantage of the advice of a competent inspecting officer who is intimately acquainted with the material conditions of cantonments and the personal qualifications of cantonment magistrates ; and that they are not likely to overlook the value of a knowledge in officers of the law, custom and language of the native residents ; (4) that the Commander-in-Chief, advised by the inspecting officer, is the only authority who is practically in a position to arrange postings throughout India. Lord Amthill's Government accordingly consulted local Governments upon the suggestion that the administration of the department should be transferred to the Commander-in-Chief subject to the following reservations :—that local

Governments should be consulted regarding transfers between provinces or between stations within a province which the Commander-in-Chief desires to order on executive grounds; that, if a local Government objects to a given transfer, it should be at liberty to represent the matter to the Home Department before complying with the suggestion; that if the local Government proposes a transfer the request should be acceded to by the Commander-in-Chief and that, if His Excellency demurs, the case should be referred to the Government of India for orders; and that the full control of the local Government over a cantonment magistrate in his magisterial capacity should be recognised by the Lieutenant-General Commanding. The replies of provincial Governments are still under consideration. In view of the importance of maintaining the independence of cantonment magistrates in their capacity of judicial officers it is uncertain whether the Government of Lord Curzon will agree to the suggested transfer. They will probably prefer to apply other remedies to remove the existing anomalies of procedure.

32. *City Magistrate, Lahore.*—This appointment was practically instituted by the local Government, which posted an assistant commissioner to Lahore in 1897 to relieve the deputy commissioner of head-quarters work. The officer appointed at first drew only his salary as assistant commissioner; but in order to retain him for a period of years it was decided in 1899 that he should draw the salary of his immediate junior in the regular line. This arrangement was sanctioned temporarily for five years.

CHAPTER IV.

POLICE.

1. *Introductory*.—The main event in the police administration of the past seven years, the appointment of a Commission to examine the working of the police throughout British India, has been already reviewed in Part I of this summary. This chapter will deal in the first place with certain schemes of reorganization which arose independently of the Commission, though in many cases their disposal has been merged in that of the Commission's proposals: secondly, with the details of the Commission's report and the reforms approved and initiated by the Government of Lord Curzon in dealing with it: thirdly, with the history of serious forms of crime; and lastly with certain miscellaneous matters which are of sufficient moment to deserve mention.

2. *Reorganization schemes*.—Similar causes to those which induced the Government of India in 1902 to examine the whole question of police organization had already led various local Governments to put forward partial proposals for revision. It will be convenient to take first the changes that were sanctioned, and subsequently those that were deferred pending the consideration of the Police Commission's report.

In 1899 the Assam civil police was strengthened and regraded on lines already accepted in Bengal, at a total cost of 1·15 lakhs: this expenditure, however, was extended over a series of years as funds should be available.^(a) In the same year the Calcutta police was strengthened by the addition of an armed foot force, and other increments.^(b) In April 1902 the Secretary of State approved proposals for the revision of the Madras city police also, and the raising of their pay more nearly to Calcutta and Bombay rates.^(c) The necessity of strengthening the superior staff of the district police force in Bombay was forcibly represented by the local Government in 1899, and eventually the Secretary of State sanctioned the addition of two posts as district superintendent and eleven posts as assistant superintendent.^(d) In the same year the Government of Burma proposed that district and assistant superintendents in that province should be regraded on more favourable rates of pay. The Government of India modified the proposals relating to district superintendents, and intimated that the number of appointments as assistants must be reduced before the question of their regrading could be considered. Eventually the modified proposals in respect of both district and assistant superintendents were sanctioned by the Secretary of State.^(e) In 1899 the police force of Thar and Parkar was put on the same footing as that of the rest of Sind in respect of pay and allowances. An additional police establishment has also been sanctioned for the recently created Larkana district.

Other proposals for reorganizing the police cadres owed their origin to an attempt to regularize recruitment for the superior police appointments. In 1900 the Government of India took up the question whether the police services of the larger provinces should not be recruited on the lines of the Indian Civil Service, with the object of ensuring that each officer should after learning his work occupy for a certain time subordinate or inferior posts and should thereafter find himself filling a superior post practically in permanency. The scheme provided for a proportion of 77·3 assistant superintendents to every 100 superior

(a) Desp. no. 20 (Judl.), d. Apr. 27, 1899.

(b) Desp. no. 64 (Judl.), d. Nov. 9, 1899.

(c) Desp. no. 12 (Judl.), d. Apr. 18, 1902.

(d) Tel. d. Mar. 19, 1901.

(e) { F. & C. desp. no. 114, d. Apr. 19, 1900.

{ F. & C. desp. no. 304, d. Sep. 26, 1901.

{ Desp. no. 51 (Judl.), d. Nov. 15, 1901.

posts. In October 1900 the Government of India addressed the Governments of Madras, Bengal, the Punjab and the Central Provinces on the subject.^a No reference was made to Bombay where the police department had been already re-organized, or to the United Provinces Government which had been separately consulted in connection with its proposals for an increase in the superior police staff.^b

These suggestions led to the submission of various schemes for reorganization: but as the Government of India had meantime decided to appoint the Police Commission, they deferred consideration of them until the Commission's report was received. The proposals framed by the Madras Government involved an increased expenditure of Rs. 37,500 per annum on account of six additional superior officers. In Bengal an annual increased expenditure of Rs. 1,84,875 was proposed on account of superior officers. The United Provinces Government proposed to spend an additional Rs. 67,200 upon superior officers, Rs. 87,600 upon a new class of deputy superintendents and Rs. 33,600 upon inspectors, or in all an increase of Rs. 1,88,400. This particular scheme was indeed submitted to the Secretary of State, but he deferred passing orders pending consideration of the Police Commission's report. In the Punjab an additional expenditure of Rs. 68,625 upon superior staff and of Rs. 3,61,851 upon inferior staff was proposed. In the North-West Frontier Province, the proposals contemplated an increased annual cost of Rs. 7,425 for two additional superintendents and of Rs. 59,832 for inferior staff: but it is not intended to separate the superior police of the Punjab from those of the North-West Frontier Province owing to the difficulty of working the small cadre which the latter province would by itself require. In the Central Provinces two additional assistant superintendents were asked for.

Apart, however, from questions of recruitment other proposals for reorganization came before the Government of India and were similarly deferred pending consideration of the Police Commission's report. In 1901 the Madras Government proposed a reorganization of their railway police and the establishment of a provincial criminal investigation department at a cost of Rs. 44,208 a year. The Bengal Government also desired to remodel its investigating staff at an increased annual expenditure of nearly nine lakhs, and to strengthen the investigating and detective staffs of the Calcutta police at an additional cost of Rs. 89,244 per annum. It was also decided to defer consideration of memorials submitted by certain assistant superintendents in Assam regarding the disadvantages under which they labour compared with their juniors in Bengal.

The proposal made by the Government of Burma in 1902 to revise the pay and grading of district superintendents in that province was at first similarly withheld, and memorials from assistant superintendents on the same subject were also held over; but in this case the existing position called urgently for remedy and in 1904 the Government of Lord Curzon intimated that they were willing to consider immediate temporary measures to remedy the exceptional hardship of the case of officers whose promotion had been long deferred. The Burma Government accordingly proposed to grant personal allowances of Rs. 100 to district superintendents and of Rs. 150 to assistant superintendents. The Government of India accepted the proposals, except in so far as two grades of district superintendents were concerned, and the Secretary of State sanctioned them thus modified with effect from April 1,

(a) H. D. letter nos. 719—22, d. Oct. 30, 1900.

(b) H. D. letter no. 449, d. July 7, 1900.

1904.^a These measures, however, did not go to the root of the mischief, which lay in the fact that there was a large excess of officers in the middle years of service with deficiencies above and below—the result of over-recruitment in the first five years which followed the annexation of Upper Burma. The measures adopted at the time were administratively necessary and have indeed been justified by the speedy settlement and rapid development of the province: but they involved a temporary disregard of the principles of scientific recruitment which had since resulted in a congestion of promotion no longer to be borne. To remedy this congestion the Burma Government proposed to offer special inducements to senior officers to retire. The Government of India thought that further-reaching measures were needed, and proposed to reduce the block by transferring officers of the congested years to other provinces of India and by offering special retiring pensions to officers of those years only; while in the last resort they were prepared to insist on compulsory retirements. The Lieutenant-Governor put forward an alternative scheme which the Government of India rejected as likely hereafter to reproduce the evils whose removal was now sought, and the Secretary of State has now been asked to approve proposals on the lines which they suggested.^b

3. *Police reform.*—The objects and institution of the Police Commission of 1902-3 have been fully explained in Part I of this book. It remains to describe the various proposals made by the Commission and these are summarised in the paragraphs which follow. In laying them before local Governments the Government of India intimated that they regarded the general lines of the reforms proposed as entirely sound; but that they looked on the details and total of the enormous expenditure entailed as a maximum. Within that maximum they would be prepared, subject to financial exigencies, to incur whatever expense might be necessary in order to secure a reasonably efficient force. But additional expenditure must be closely scrutinised. For such scrutiny the Government of India were in the main dependent on local Governments, who alone were conversant with local conditions: they desired therefore that a proper economy might be kept steadfastly in view.^c

4. *Village police.*—The Police Commission laid great stress on the necessity of developing the village agency. The village watchman should, they thought, be subordinate to the village headman and not to the regular police, and the system of relegating petty offences for trial by headman or *panchayats* should be extended or experimentally introduced where it did not exist. Endorsing these views Lord Curzon's Government asked local Governments to survey carefully the village system of their provinces with the object, where possible, of saving it from decay and of utilising it for the prevention and prosecution of crime. The Government of India inquired also whether the powers of arrest of village watchmen should be enlarged. They agreed with the Commission that the village watch should be a charge both upon lands and houses; and that good work by headmen or watchmen should be systematically rewarded. They questioned the advisability of remunerating watchmen by grants of land and of exempting them from regular attendance at the police station; and they set aside the Commission's further proposal to legalise the practice obtaining in the Punjab of calling in the villagers to aid in guarding the village area in localities where crime is rife.^d The question of village police, however, is so closely connected with that of the system of land tenures and village organisation which vary from province to province that it has not been possible to deal with it on uniform lines. The

(a) *Dep. no. 3 (Judl.)*, d. Jan. 20, 1905. (150)

(b) *Fin. dep. no. 319*, d. Sep. 21, 1905. (151)

(c) *H. D. letter nos. 250-59*, d. Apr. 12, 1904. (32)

(d) *H. D. letter nos. 260-269*, d. Apr. 12, 1904. (152)

subject is now being examined province by province, and it will probably be dealt with by separate legislation in the local legislative councils.

5. *Regular police*.—In the next place the Commission considered the important questions connected with the organization, training, pay and discipline of the general police force. They found that selection and training were alike defective, and that unsuitable duties had been in many cases assigned to the various ranks. The Government of India agreed with these conclusions, and condemned the employment of constables on investigation duty, the maintenance of the beat system, and the use of the police generally for extraneous duties.^a

(a) *Constables*.—After recommending that constables should as a rule be locally recruited, and trained in a central school, the Commission suggested that the present rates of pay did not afford them a reasonable living wage: they proposed a minimum pay of Rs. 8 (or in Burma Rs. 12) rising by length of service to Rs. 10 or Rs. 11 with proportionate increases for head-constables. The Secretary of State thought that the language of the Commission was exaggerated, and in view of the great expenditure which the proposals entailed, the Government of India desired local Governments to examine them thoroughly with reference to local conditions.^b

Five local Governments agreed with the Commission; three others were disposed to accept a minimum rate of Rs. 7, but one of them (Bengal) advocated that rate only in certain districts, while another (Madras) subsequently reported that more recent experience of the difficulties of recruitment had convinced them that the minimum should be Rs. 8. The Government of India decided that it was unnecessary to insist on absolute uniformity and that local Governments which considered a minimum of Rs. 7 sufficient should be allowed to retain that limit. There was some difference of opinion as to the periods at which increments should accrue, and by way of compromise the Government of India decided to adopt periods of three, ten and seventeen years. Other important concessions sanctioned were the grant of free kits, and of local allowances in special tracts, together with travelling allowance for journeys beyond the inspector's circle.^c

(b) *Head-constables*.—The Government of India agreed that head-constables should not be placed in charge of police stations nor employed on investigations. They decided after consulting local Governments that the pay of these officers might suitably be fixed at Rs. 15 rising to Rs. 20, the latter figure being the maximum pay of a non-commissioned officer of the Indian army.

(c) *Sub-inspectors*.—These officers who are in charge of police stations and are responsible for investigations form perhaps the most important class of the entire force. The Commission proposed that they should be recruited direct, promotions from the grade of head-constable being limited to fifteen per cent. of the vacancies. In view of local variations the precise percentage was subsequently left to be determined in consultation with the local Government concerned. In fixing the pay of sub-inspectors the Government of Lord Curzon adopted the principle that these officers should be placed on a par with naib-tahsildars, the corresponding officials on the revenue side of the administration. A maximum scale of pay rising from Rs. 50 for probationers to Rs. 100 was accordingly approved: its application in the various provinces is being settled separately. Sub-inspectors will also draw horse allowance up to Rs. 15, and will be allowed advances for the purpose of purchasing uniforms and horses.^d

(a) H. D. letter nos. 270—279, d. Apr. 14, 1904. (153)

(b) H. D. letter no. 519—28, d. June 7, 1904. (154)

(c) H. D. resn. nos. 243—259, d. Mar. 21, 1905. (42)

(d) *Inspectors*.—The duties of these officers are to hold charge of circles comprising several police stations or a large town ; within these they will exercise general supervision and will be responsible for all police work, and in addition they will be ready to assist in investigations. It was decided that they should ordinarily be recruited by promotion from sub-inspectors, but that direct appointment should be permitted up to a maximum of ten per cent. of the vacancies. Their pay was raised so as to assimilate it to that of tahsildars, and fixed at Rs. 150 rising to Rs. 200, and in the case of a few appointments, to Rs. 250. A daily allowance of Re. 1 was given for travelling and fixed horse or conveyance allowances were sanctioned for inspectors not in charge of rural circles.^a

(e) *European officers*.—The Commission thought that the recruitment of the European service of police officers should be exclusively conducted by competitive examination in England, on the same conditions as at present, except that the age limits for candidates should be from 18 to 20. Concerning the expediency of thus debarring from the police service the European born in India, there was some difference of opinion among the local Governments consulted. The Secretary of State moreover was strongly impressed with the expediency of keeping open the higher branches of the police to that class of Europeans whose knowledge of the people, their language and their ways has in the past given to the service some of its ablest and most skilful officers. It seemed to him probable that if domiciled Europeans were compelled by a change in the rules to send their sons who aspire to police employment to England for their education, the result would be the loss of that intimate knowledge of native habits and modes of thought, which has hitherto distinguished police officers drawn from this class. Mr. Brodrick also apprehended that a decision which closed the superior service, except in the provincial branch, to a class which had hitherto been among the most successful in it would be greatly and not unjustifiably resented.^b It was, therefore, decided as the best solution of the matter, to reserve to the Governor General in Council the power to make such appointments in exceptional cases on the special recommendation of a local Government, and subject to the condition that the candidate put forward had adequate educational qualifications. As regards training the Government of India were inclined to recommend, in preference to the university course of two years suggested by the Commission, that probationers should go through a course of training for one year in England in a class attached to Scotland Yard. The Secretary of State intimated that this would in practice prove difficult to arrange.^c Eventually it was decided that the training of probationary assistant superintendents should be carried out in India, that they should proceed to this country as soon as they had been pronounced fit for service and had passed a test in riding, and that they should remain at a training school in India for not less than eighteen months. Almost all Governments accepted the proposals of the Commission to fix the pay of assistant superintendents at Rs. 300, Rs. 400, and Rs. 500 in three grades and the Government of Lord Curzon accordingly adopted these rates. The Commission thought that the pay of superintendents should be fixed at from Rs. 900 to Rs. 1,200 and after considering carefully the views of local Governments the Government of India decided to accept this scale. They also ruled that only officers

(a) *H. D. resn. nos. 243—259, d. Mar. 21, 1905.* (42)

(b) *Desp. no. 9 (Judl.), d. Feby. 17, 1905.* (38)

(c) *Desp. no. 13 (Judl.), d. Apr. 22, 1904.* (155)

considered fit for the charge of the most important districts should be promoted beyond the Rs. 900 grade, a decision which will, if faithfully enforced, go far to secure efficiency in the higher ranks of the service."

(f) *Deputy superintendents*.—On the analogy of the provincial service the Commission also proposed to institute a class of deputy superintendents to be officered by natives of India on four grades of pay rising from Rs. 250 to Rs. 500. This proposal was sanctioned. These officers will be eligible for promotion to district charges in cases where their efficiency is clearly established." It is on judicious selection for this class that the enlistment of the sympathies of educated natives of India on the side of the police will greatly depend.

(g) *Higher appointments*.—After consulting local Governments the Government of India decided that the new scheme of pay proposed by the Commission for deputy inspectors-general, *viz.* Rs. 1,500, Rs. 1,750 and Rs. 2,000, was higher than the circumstances of the case demanded and would create dissatisfaction with the present scale of remuneration in other Indian services. They decided therefore that two grades of pay on Rs. 1,500 and Rs. 1,800 would be sufficient. Appointments will be made by selection from among superintendents, and will be regarded as the highest prize absolutely reserved for the police department. Deputy inspectors-general will also be eligible for an additional pension of Rs. 1,000 a year. For the appointment of Inspector-General the Commission proposed and the Secretary of State sanctioned a pay of Rs. 2,500—100—3,000 in the larger provinces; for the minor administrations varying arrangements were made. Full discretion was left to local Governments to fill the post either from the Indian Civil Service or from the police service as might seem most expedient."

6. *Discipline*.—Upon the important subject of the relations that should subsist between the district magistrate and the district superintendent the Commission's recommendations were not entirely distinct. They laid down the general principle that the maintenance of discipline must be left entirely to officers of the force, but they thought it essential to preserve the responsibility of the district magistrate for peace and order in his district and to afford him prompt means of ensuring the obedience of the organised constabulary to his lawful orders. The subsequent discussion with local Governments showed that opinions as to the application of these principles were by no means unanimous, and the Government of Lord Curzon proceeded to define the position more clearly. It was necessary, they said, to maintain the principle that, since the district magistrate is and must continue to be the chief executive authority in the district, the police must be completely under his control and direction, and he must, subject to the usual supervision of superior authority, have unquestioned power to employ them as he thinks best for the maintenance of law and order and the detection and suppression of crime. He should not, however, interfere in matters of departmental management and discipline, except where the conduct and qualifications of a police officer affect the criminal administration of his district. Even then his power of intervention should be exercised, not by issuing direct orders, but by bringing the case to the notice of the superior officers of the police. Some local Governments had invested magistrates with more detailed powers than were necessary for the purpose of giving effect to these principles. It was essential that the law should now be made perfectly clear, so as to remove all occasion for the complaint that the district magistrate's powers

had been improperly extended, and the authority of the district superintendent over his own subordinates unduly reduced. The principle determining the Commissioner's position and powers in relation to the police is that it is his duty, as local head of the general administration, to exercise supervision and control over the action of the district magistrates in respect of police matters. For this purpose it was not necessary to give him special statutory powers nor need he be a deputy inspector-general. Since the Inspector-General will in future be an Indian civilian (often of Commissioner's standing) or a picked man from the department, there was no need to fear that well considered views expressed by a Commissioner would be lightly disregarded.

The Government of India then proceeded to pass orders upon certain details of discipline with which the Commission had dealt. They approved of the adoption of a system of black marks, and the abolition of fines as a punishment; they agreed that there should be no appeal against minor penalties; they disallowed the proposal that officers believed to be corrupt should be liable to removal on evidence of general repute; and they decided that it was unnecessary to take up the question of compulsory retirement on a reduced pension for inefficiency. They agreed with the Commission's proposals that the promotion of sub-inspectors should be left entirely in the district authorities' hands.^a

7. *Equipment, &c.*—Lord Curzon's Government accepted the Commission's proposal that quarters should be provided for sub-inspectors and officers of lower rank, and if possible for their families as well. For European officers they intend to prescribe a general uniform throughout India; but differences of temperature and custom render this impossible in the case of the native police. The Commission proposed and the Government of India agreed that a uniform terminology in respect of offices and charges should be introduced throughout India. In deference to the general opinion of local Governments it was decided that the proposal to publish a single police manual containing rules and instructions of general application must be put aside as impracticable.^a

8. *Municipal and cantonment police.*—The Commission advised that municipal and cantonment police should form an integral part of the provincial force and should be placed under the control of the provincial authorities. Local Governments accepted this recommendation and the Government of India adopted it in their resolution of March 1905.^a

9. *Presidency police.*—The Commission considered that the complete separation now obtaining between the city police of the three presidency towns and Rangoon (who are directly subordinate to the Commissioner of Police, an officer with large powers of control) and the district police outside the town limits was prejudicial to systematic co-operation and left the Inspector-General in ignorance of the police work in the most important charge in the province. They recommended that the Commissioner of police should be graded with deputy inspectors-general and be placed under the Inspector-General, but that he should retain larger powers of discipline and control than are accorded to district superintendents; that the office of deputy commissioner as now constituted should be abolished; that the present class of superintendents should be replaced by a small number of selected officers of the rank of district superintendent; and that the lower organization should resemble that of the district police but should contain a larger number of Europeans. The Government of India were not disposed to question any of these suggestions, but referred them for the criticisms of the four local Governments concerned.^b

(a) H. D. resn. nos. 243—259, d. Mar. 21, 1905. (42)

(b) H. D. letter nos. 280—283, d. Apr. 14, 1904. (156)

The Governments of Madras and Burma accepted all the proposals: the Government of Bombay agreed that the Commissioner should be subject to the general orders of the Inspector-General, but urged that he should retain the larger local powers which he enjoys at present: and the Government of Bengal at first advocated the grant of certain powers of control to the Inspector-General by executive order, but finally expressed its willingness to accept for Calcutta any legislation on the subject which might be contemplated for the other three towns. The question was of real importance only in relation to Calcutta and Bombay and the Government of India decided further to consult the two local Governments concerned on the question whether the necessary unity of action with the district police cannot be attained without introducing a subordination of the Commissioner to the Inspector-General. It should be added that the Bombay Government have since challenged the accuracy of the Commission's remarks as regards the Bombay city police, and have dissented strongly from the changes proposed. As regards the Commission's third proposal the Lieutenant-Governor of Bengal desired to retain three of the present superintendents for the charge of the intelligence department, the reserve and the port, but agreed to the appointment of a district superintendent for the port and the river if the Hughli river were made a river police district. The Government of India assented to the latter arrangement. The reform advocated by the Commission in the character of the superior staff of the presidency police is regarded as being in itself a most desirable one, but it can be carried out only gradually owing to the difficulty of finding among district superintendents drawn from the mufassal the necessary qualifications for the charge of city police divisions. Probably the difficulty can best be met by attaching several assistant superintendents to the office of the Commissioner for training in city police work. The Commission's recommendations regarding the institution of a grade of city inspectors on pay ranging from Rs. 200 to Rs. 300 with free quarters and a horse allowance were adopted. Their proposal to employ city sub-inspectors on a pay of Rs. 75 to Rs. 125 with similar concessions, was modified so as to admit of the employment of Europeans in Calcutta and Bombay. The enhanced rates of pay suggested for European sergeants and constables, and for native head constables and constables in the presidency towns and Rangoon were also agreed to with trifling modifications. It was settled that there should be a special investigation branch in the four cities, but that no separate finger-print bureau need be maintained. The police staff for prosecuting cases in the courts was also strengthened. Finally it was agreed that quarters should in all cases be provided for the city police and that house-rent should not be granted.^a

10. *Railway police.*—The Commission proposed that the jurisdiction of railway police forces should be coterminous with provincial limits, and that the organization should follow that of the district police. They thought that railway constables should not undertake the duty of watch and ward or be required to investigate cases of shortage or missing goods unless a cognizable offence was suspected. They also recommended that a constable should travel in every passenger train. Upon these proposals the Government of India at first reserved their opinion. In referring them to local Governments they put forward for discussion the further suggestion that co-operation would be promoted if it were arranged that the railway police should be manned by constables drafted into it for a short term from the district police.^b

(a) H. D. resn. nos. 248–259, d. Mar. 21, 1905. (42)

(b) H. D. letter nos. 284–293, d. Apr. 14, 1904. (157)

Following the unanimous opinion of local Governments the Government of Lord Curzon accepted as a general principle the Commission's view that the jurisdiction of the railway police forces should be coterminous with the limits of provinces. In giving effect to this principle the Governor General in Council rejected certain exceptions proposed by local Governments and admitted others. It is probable, for instance, that the whole of the Rajputana-Malwa railway system will be placed under one officer subordinate to the Agent to the Governor-General in Rajputana within whose jurisdiction most of the line is situated.

The Government of India agreed with the Commission and local Governments in rejecting the suggestion that the superintendent of railway police should be a member of the railway staff: in holding that the primary duty of the railway police is the preservation of law and order, and that they should not be called upon to undertake the watch and ward of railway property: and in concluding that the organization of the railway police should follow the lines recommended for the district police, and that they should be under a deputy inspector-general who should also be the head of the provincial criminal investigation department. They relied on the relations between this officer and the central department to secure the requisite degree of co-operation between the various railway forces, and to obviate the necessity of an Inspector-General of railway police for the whole of India—an arrangement which would tend to convert the railway police unduly into an imperial department. As regards local allowances the Government of India accepted the Commission's views that superintendents and assistant superintendents should receive Rs. 150 and Rs. 100 respectively in addition to the pay of their rank. They regarded this concession as justified, not only by existing practice, but also by the harassment and exhaustion involved in constant railway travelling. They agreed also that the officer in charge of a railway police station should be given the power of search in all district police station limits through which his section of the railway runs. On the suggestion that the railway police should be manned from the district police, receiving a small additional allowance and only serving for a limited term on the railway, the opinions received were on the whole adverse to change, and the Government of India were not prepared to prescribe it as a general rule. After full consideration of the replies of the local Governments regarding the Commission's suggestions for co-operation between the railway and the district police the Government of India preferred the rules in force in the United Provinces to those which the Commission proposed. Power will be taken in the general Police Act (para. 14) for local Governments to appoint superintendents of railway police and to determine their relations to district magistrates.^a

11. *River police.*—The Commission advised that for the prevention and detection of serious crime on the navigable rivers of Assam and Bengal a separate force of river police was necessary. Dacoities and other serious crimes were, they found, very prevalent though many went unreported at present. The Government of India, recognising the grave nature of the evil and the necessity for checking it even at a relatively high cost, desired the local Governments concerned to work out a practicable scheme in communication with the steamer companies.^b The Government of Bengal, in consultation with the Governments of the United Provinces and Assam,—the only provinces in which, as inquiry showed, the question assumed any practical importance—accordingly framed proposals for the creation of river police districts and the establishment of numerous river police stations. But the question was one of no small difficulty and the Government of India were not prepared to deal finally with it on the

(a) *H. D. resn. nos. 248—259, d. Mar. 21, 1906.* (42)
 (b) *H. D. letter nos. 294—303, d. Apr. 14, 1904.* (158)

information then before them. The question of registering boat traffic had not been fully considered nor had the views of the steamer companies been obtained. An officer of the United Provinces police was accordingly deputed to conduct further inquiries and to assist in maturing detailed proposals. Meanwhile the Government of India have provisionally sanctioned the appointment of three district superintendents, one assistant superintendent, six inspectors, and a suitable staff of subordinates to form the nucleus of an effective river police.^a

12. *Armed and military police.*—The principles upon which the Government of India have hitherto proceeded in maintaining an armed police force have been (1) that a limited armed reserve should be maintained, if possible, in every district, but at all events at convenient centres, to put down all riots and local disturbances, and ready or capable of being concentrated for extraordinary emergencies; (2) that this force should form part of the general reserve at the head-quarters of each district; (3) that all recruits should, as far as possible, pass through the reserve; (4) that Snider rifles should only be given to special reserves employed as military police or against dacoits; that the ordinary reserves do not require rifles, but ought to have such arms as would enable them to deal effectively with large bodies of rioters at close quarters; and that a suitable weapon for this purpose would be a breech-loading smooth-bore carbine to fire ball or buckshot.

The system had not, however, been developed in all provinces on the lines intended, and in Bombay and the United Provinces the force had been divided into armed and unarmed branches. The Police Commission condemned this arrangement on the ground that it either imposes a heavy strain on the armed branch, or leads to an unnecessarily extravagant scale of establishment, and recommended a reversion to the original plan under which all the members of the force are to be taught the use of arms and drill. They thought also that the separate military police in Bengal and Lower Burma should be abolished. Dealing with these recommendations the Government of India observed that the problem was to reconcile two considerations. The police should be able to deal effectually with local disturbances and yet should not be of so highly military an organization as to become themselves a source of danger in disturbed times. They agreed that while all policemen should be taught to use arms, the arms and ammunition available should be limited in quantity and quality. They thought that there should be one reserve only, of strength sufficient to provide for emergencies such as for guard and other duty, and that all the district police should pass through it at intervals; that a simple system of drill and musketry at short ranges would suffice; that a scheme of district mobilization should be prepared; and that European sergeants should not generally be employed with the reserve.^b The question derived peculiar importance from the fact that the Commander-in-Chief had recently made proposals for a complete redistribution of the army in India. This rendered it necessary to ensure that the police reserves were everywhere sufficient for the maintenance of internal order. Accordingly after careful discussion in which the Government of India strove to meet the views of local Governments as far as possible they decided, in communication with the Secretary of State (i) to approve the system of reserves proposed by the Police Commission for Madras, Bengal, the Punjab, Burma, the Central Provinces and Assam; (ii) to allow the Bombay and United Provinces Governments to retain the existing division of the force into armed and unarmed branches, at the same time expressing preference

(a) *H. D. resn. nos. 248—259, d. Mar. 21, 1905.* (42)

(b) *H. D. letter nos. 364—373, d. Apr. 14, 1904.* (159)

for the system advocated by the Commission and urging its adoption as opportunity offers; (iii) to maintain the military police in Assam, Burma and Bengal, and in the two former provinces to look to this branch only of the police force for the maintenance of order in times of emergency; and (iv) to arm the force ordinarily with bored-out Martinis, the number of rifles now in its hands being retained and increased temporarily in case of necessity. It is believed that these arrangements will be sufficient to enable the police to hold the country in a time of emergency without in any way interfering with the due performance by the district constabulary of the normal duties entrusted to them.^a

13. *Mounted police*.—The Commission admitted that some force of mounted men is required, especially in large cities and in places where dacoity is rife; but in view of their relatively expensive character they considered that they should be employed only where they were clearly necessary. But the Government of Lord Curzon found that local Governments had had some hesitation in carrying out the reductions in the number of mounted men which had already been effected, and they left it open to them to propose an increase, if necessary, in cases where mounted police were useful in suppressing disturbances.^a

14. *General Police Act*.—Nearly all local Governments agreed with the Commission that there should be a single police Act for the whole of India in which provision should be made for the matters of organization and discipline above discussed: nor were the Government of India deterred from accepting this conclusion by the arguments of the few dissenting authorities. The improvement of communications and the increasing intercourse between provinces furnished, they thought, conclusive reasons for uniform legislation, the latitude necessitated by varying local conditions being afforded by rule-making powers. The Government of India accordingly prepared a bill and circulated it in June 1905 for criticism.^b The principal amendments which the bill makes are (1) to place the district police of the whole of British India under one law, (2) to give the Commissioner in Sind the powers of a local Government in respect of the police of that division, (3) to bring the presidency towns and Rangoon within the general police districts, (4) to constitute the new class of deputy superintendents, (5) to declare the powers of the district superintendent, (6) to revise the system of departmental punishments, (7) to define the powers of the district magistrate, (8) to authorise the taking of finger impressions and (9) to enlarge the rule-making powers of the Inspector-General and of the local Government.

15. *Prevention of crime*.—In connection with the prevention of crime the Commission made several proposals, some involving legislation, others enforceable by executive orders. The Government of India were at first inclined to endorse their suggestion that the Indian Penal Code should be so amended as to allow the courts to revise the punishment inflicted on a convict when it is subsequently discovered that he has been previously convicted, provided that no revision should be allowed after the expiry of the original sentence; but in view of the criticisms received from local Governments they decided that it would be unadvisable to alter the law. The Government of India questioned the expediency of recognising under section 75 of the Code previous convictions obtained before courts in native states. They invited local Governments

(a) *H. D. resn. nos. 248—259, d. Mar. 21, 1905.* (42)

(b) *H. D. letter nos. 540—49, d. June 14, 1905.* (48)

to advise whether, as proposed by the Commission, any first class magistrate specially invested with the higher powers specified in section 34, Criminal Procedure Code, should try old offenders, and on receipt of their replies they decided that the object in view would preferably be attained by an amendment of section 349 of the Code, so as to enable a magistrate to refer such cases to the sessions judge. They endorsed the recommendation that inquiries in cases of bad character should generally be conducted *in situ*; but they decided not to undertake any general reconstruction of the preventive sections of the Code, which in their experience had worked well. The Commission recommended that police surveillance over criminals should be confined to those who were really dangerous; that a uniform system of village crime note-books, history sheets and registers should be instituted for the purpose; and that village headmen and watchmen should be legally required to report the movements of bad characters. The Government of India adopted these proposals, but as regards the latter point they considered that the existing provisions of the Code sufficed. The Government of India also consulted local Governments upon the proposals that conditional pardons should be offered for information leading to the conviction of receivers, and that the common offence of taking a gift to effect the recovery of stolen property (sec. 215, I. P. C.) should be made cognizable. There was much diversity of opinion on the former suggestion: ultimately the Government of India decided that the practices of postponing sentence in order to afford opportunity of restitution and of questioning convicts in jail should be experimentally tried. The latter proposal was adopted. The Commission's advice regarding the use of the railway and telegraph in communicating information and the encouragement of the registration of cattle sales, which were matters for local action, were also commended to the attention of provincial Governments.* In connection with the reform of the criminals the Commission advocated more reformatory schools, more complete segregation of old offenders, and a fuller employment of the section authorising the discretionary release of first offenders. The Government of India endorsed these recommendations and decided to adopt a formal amendment of section 562 of the Criminal Procedure Code proposed by the Lieutenant-Governor of Burma. In so far as the foregoing questions could be disposed of by executive orders they were settled by the Government of India, after previous reference to the Secretary of State, in November 1905.^b A bill to amend the Code of Criminal Procedure in respect of the remaining points has also been prepared and will shortly be introduced.

16. *Reporting and investigation.*—The Government of India agreed with the Commission that headmen and watchmen should not be required to report every cognizable offence, however petty, but only those which the police would ordinarily investigate. This suggestion has been finally accepted and the Code of Criminal Procedure will be amended accordingly. The Commission also proposed that the Code should be altered so as to make it clear that the police officer should despatch copies of the first report of an offence before proceeding to investigate it: the Government of India agreed with the object in view but decided that it could be best attained by executive orders to be embodied in the provincial police manuals. They concurred with the Commission in condemning the practice of conducting inquiries at the police station

(a) H. D. letter nos. 304—313, d. Apr. 14, 1904. (160)

(b) H. D. letter nos. 1112—1120, d. Nov. 8, 1905. (47)

rather than at the scene of the offence, and in the important principles which they laid down regarding the exercise by the police of their discretion to refuse an investigation. The Commission thought that no investigation should be undertaken in trivial cases, nor in cases which are purely civil disputes, nor those of which a village tribunal is empowered to dispose; nor in cases in which the injured person desires no inquiry unless the offence is serious or the work of a professional offender or unless inquiry is otherwise desirable in the public interest. There was little hostile criticism of these proposals and the Government of India finally decided to adopt them. The Commission's suggestions that certain less serious cases should be made non-cognizable and that arrest in nuisance cases should be restricted, were referred to local Governments and in the main accepted. The Government of India agreed also that the police should be instructed as to their discretionary powers of arrest in cognizable cases; and they concurred in the advisability of enlarging their discretionary powers as to bail. The Commission's proposal that an investigating officer should be empowered to depute a subordinate to effect an arrest was also approved. It was decided to amend the Criminal Procedure Code in all these three respects. One of the most important features of police procedure discussed by the Commission was the practice of informal arrest (*nazar qaid*). The Government of India agreed with the Commission's condemnation of the present system, but doubted whether the most stringent supervision would actually succeed in preventing informal arrest. Within due limits therefore they were disposed to regularize the practice. They consulted local Governments upon the suggestion that a police officer conducting an investigation should be permitted to take from any suspected person a personal recognisance to remain present during the inquiry, and if he refuses to enter into it to place him under observation, reporting to the magistrate in charge of the case his action and reasons. Although there was a considerable preponderance of opinion in favour of the proposal, the Government of India found themselves unable to adhere to it. After a full reconsideration of the question they acknowledged that the suggestion might give rise to highly contentious legislation, which would be opposed not only by the native community but also by most judicial officers, and they concurred with the Commission in believing that the existing procedure laid down in the Criminal Procedure Code, when amended by the addition of provisions for the grant of bail in non-bailable cases and by investigating officers, will provide an effective system of investigation without the recognition of any kind of informal arrest, which should be entirely discountenanced. To discourage the practice of working for confessions the Commission proposed to amend the law so as to provide for the record of confessions only by the magistrate having jurisdiction. The Government of India were opposed to this proposal. They observed that until the nature of police in India changed, it was vain to suppose that, having induced a man to confess, they would wait till the investigation is complete before causing his confession to be recorded. Such a restriction could not be imposed by law or rule, and therefore in practice the result of the Commission's proposal would probably be that a confessing prisoner would be taken, regardless of distance, to the magistrate having jurisdiction, and then brought back for the completion of the investigation. After obtaining local Governments' advice they decided that confessions should be recorded only by magistrates having jurisdiction or by magistrates of the first or second class. They directed moreover that confessions should invariably be recorded by the highest magistrate short of the district magistrate

who could be reached in reasonable time. The Commission also raised the question of amending section 179 of the Code so as to enforce the obligation of witnesses to answer questions, but after reference to local Governments the Government of India decided to leave matters alone. The practice of needlessly referring non-cognizable cases to the police for investigation was strongly condemned by the Commission, and in addressing local Governments the Government of India entirely endorsed their remarks. ^a Finally the Government of Lord Curzon laid down that the responsibility of the station house officer should not be impaired; that inspectors should not themselves investigate save for special reasons; that superintendents should have power to sanction rewards freely for good work; and that the legitimate expenses of investigating officers should be paid by the State. Some of the decisions on the foregoing points were expressed in executive orders issued in November 1905^b; others have been incorporated in a draft bill to amend the Criminal Procedure Code.

17. *Prosecution*.—The Commission pronounced the existing agency for the conduct of criminal prosecutions to be universally insufficient and incompetent. The work of prosecution was daily becoming harder; yet as a general rule untrained police officers were opposed in the courts of law to trained advocates, with the result that investigations were rendered ineffective and the position of the magistracy was made unduly difficult. They proposed the employment of pleaders in sessions courts and in important cases before magistrates, the appointment of court inspectors to prosecute at district head-quarters with sub-inspectors to assist them, and the appointment of sub-inspectors for the same purpose in subdivisions, and the giving of discretion to district magistrates to engage special counsel in serious cases. The Government of India were in entire sympathy with the Commission's aims; and local Governments' replies also showed that they accepted the recommendations in cases where they had not been anticipated by existing procedure or were not in conflict with local conditions. The Government of India therefore decided to approve the proposals but recognising that they entailed very heavy expenditure they made it clear that they regarded them not as an end immediately attainable but as an ideal to be gradually worked up to. The suggestion of the Government of Bombay that it was desirable to amend, by introducing qualifying conditions, the provision of law which absolutely forbids any police officer who has taken part in the investigation of a case from conducting the prosecution was adopted. After consulting local Governments the Government of India agreed that the provisions relating to the tender of a pardon to an accomplice might be enlarged, and endorsing the Commission's strictures upon the unwarrantable delays which subordinate courts often permit to occur in the disposal of cases they prescribed a form to be sent to the district or subdivisional magistrate daily showing the progress of cases in all courts subordinate to him.^c

18. *Intelligence departments*.—The Commission strongly urged that improvements in communications and changes in the methods of criminals' operations rendered it desirable to institute in each province an investigation department for the purpose of collecting and distributing information regarding organized crime and of assisting in its investigation. The head of this department should, they thought, be a deputy inspector-general, who should hold administrative charge of the railway police, the finger print bureau, and the special branch. These proposals were commended to local Governments, ^e and

(a) H. D. letter nos. 324–333, d. Apr. 14, 1904. (161)

(b) H. D. letter nos. 1112–1120, d. Nov. 8, 1905. (47)

(c) H. D. letter nos. 334–343, d. Apr. 14, 1904. (162)

they are now being carried into effect in the various provinces. The development of this system promises to be of the greatest value in the detection and prevention of organized crime throughout India. The institution of the Criminal Intelligence Department at the headquarters of the Government of India has already been described in Part I. In the event of a difference of opinion arising between a provincial and the central department the question will be referred by the local Government to the Government of India for decision.

19. *Records and statistics.*—The Commission emphasised the danger of judging police work by statistical results and pointed out that the proper purpose of these was merely to suggest points for the inquiry on which judgment should be based. In communication with provincial Inspectors-General they drew up a model set of statistical returns, and declared that it was impossible to secure correspondence between police figures and those prepared by the courts as the two sets of returns served wholly different purposes. The Government of India endorsed the recommendation that inspections of police stations should be confined to criticisms of the work actually done and should not attempt to apply the misleading test of statistical percentages. They agreed that police diaries were usually too long and that officers should be trained in preparing them. They added that magistrates should send for the diaries in all important cases; and they dissented from the Commission's remark that it should be the exception rather than the rule to record statements under section 162 (1) of the Code. They observed that the diary should be in a printed and numbered form to guard against forgeries and interpolations, that superintendents' registers need not be uniform everywhere, and that the diglott printing which the Commission suggested was cumbrous and expensive. The final conclusions of Lord Curzon's Government were communicated to local Governments in June 1905 in a letter which prescribed simpler forms for the tabulation of police statistics; decided that reports should still be prepared according to the calendar year; settled the forms of the more important police records; left the questions of printing and of the submission of diaries by officers to local Governments; declined to relieve superintendents of responsibility for the accuracy of their accounts; directed that provincial manuals should be reduced and improved and stated that the Director of Criminal Intelligence would prepare a model hand-book; and commended the proposal which the Commission put forward on behalf of clerical establishments, to the effect that only members of the police staff who are called upon to deal with crime should be enrolled in the force."

20. *Criminal tribes.*—The Commission recommended that the Criminal Tribes Act should be amended so as to provide for the simple registration of notified gangs and the taking of finger impressions of the adult male members: that full information about the gangs should be collected as a preliminary to more effectual measures: and that whatever operations were undertaken should be extended to native states. In reviewing these proposals, the Government of India discussed the suggestion separately made by the Punjab Government that the movements of registered tribes might without actual settlement be confined within specified territorial limits. They recognised that it was undesirable to allow the gangs to wander absolutely without restriction, and they suggested that power might be taken to confine them within suitable limits

if these could be fixed without impeding them in earning an honest subsistence. With these remarks they invited the opinion of local Governments upon the whole question.* The replies have since been received; but pending the collection of further information by the criminal intelligence bureau and the settlement of the more urgent questions of police reform the Government of India have not yet passed orders upon them.

21. *Summary of reforms effected.*—In the foregoing paragraphs have been reviewed the orders of the Government of India upon the main points of the scheme of reforms put forward by the Commission. Before leaving the subject it may be convenient to indicate chronologically the various stages in the process of working out the problem. The Police Commission assembled in October 1902 and completed their report in June 1903. By November 1903 the Government of India had formulated their views provisionally and addressed the Secretary of State on the main proposals. In February 1904 they proposed the creation of the new office of criminal intelligence and this was sanctioned in April. In the same month the Secretary of State replied to the Government of India's main despatch and local Governments were consulted on the Commission's recommendations. By November 1904 their opinions had been received and reviewed and the Government of India's detailed proposals had been made to the Secretary of State. In January 1905 they also addressed the Secretary of State regarding the armed and military police. His reply received in March 1905 enabled the Government of India to publish the report and to dispose of all questions affecting the organisation of the district, presidency, railway, river and military police except in so far as legislation was required to settle these. At the same time a special grant of fifty lakhs was made to local Governments and they were instructed as to the order of priority to be given to reforms. A draft bill consolidating the law relating to police throughout India was then prepared and sent to provincial Governments in August 1905. Questions of statistics and records were disposed of by Lord Curzon's Government in April 1905. The chapters relating to the prevention, investigation and reporting of crime and the prosecution of cases in the courts were discussed with local Governments in 1904 and with the Secretary of State between January and July 1905. So far as executive directions could dispose of them they were settled by the Government of India's orders of November 1905. A bill making the necessary amendments in the Criminal Procedure Code is also ready and will shortly be introduced. It remains therefore to issue orders only on the questions of village police and of criminal tribes; and to obtain the Secretary of State's sanction to the proposed additions to the strength of the superior establishment in the various provinces.

22. *Wandering gangs.*—Standing orders on the subject of trans-frontier vagrants place the responsibility for stopping the passage of such gangs into India on the frontier provinces, and direct that they should on no account be passed under police guards into other districts, but deported if necessary under the Foreigners Act. It is further laid down that no passes or arms licenses should be granted to such gangs and that all arms found in their possession should be confiscated. The Government has no desire to interfere with the movement of *bond fide* traders, but aims only at the protection of the peaceful inhabitants of the country from larceny or plunder. A troublesome influx

(a) H. D. letter nos. 314—323, d. Apr. 14, 1904. (163)

of Pathans in 1899 led the Government of India to inquire whether the standing orders sufficed or whether the introduction of a system of passports was recommended.^a The replies showed that the evil was by no means so prevalent as might be expected from the number of trans-frontier men permanently resident in, or regularly entering India; that the Foreigners Act has rarely been put in operation against them, that owing to the nature of the country it was impossible permanently to exclude trans-frontier men, but that they were deprived of their arms on entering British India. The weight of authority was wholly opposed to the introduction of a passport system on the grounds that it could be easily evaded and would require a large staff and would offer numerous opportunities for oppression and interference with legitimate trade. The general opinion was that the ordinary law and police vigilance afforded sufficient means for dealing with criminals and suspicious persons among these vagrant gangs. Accordingly the Government of India concluded that no fresh action was necessary beyond arranging for the prompt communication of information regarding the movements of such gangs.^b In a few instances it has been found necessary to remind local Governments that it is contrary to rule to pass wandering gangs under police escort from one district to another, or for officers to grant safe-conduct passes. In 1904 the occurrence of the remarkable dacoity at Kalachera in Assam, which is noticed in para. 26 below, led the High Court to draw the attention of the Government of India to the apparent facility with which Afghan traders could traverse British territory without passes and the injury to which peaceful residents might be exposed at their hands. Lord Curzon's Government found, however, that the amount of crime registered against trans-frontier Asiatics was comparatively so small as to afford no justification for the introduction of a passport system which they still regarded as open to great objections both of practice and policy.^c But in connection with the general Police Act, on which they had decided as a result of the Commission's recommendations, the Government of India proposed to empower district and subdivisional magistrates to control and if necessary to disperse wandering gangs which are believed to cause danger and alarm to the people or are suspected of unlawful designs, and to authorize a police officer of suitable rank to take the finger-impressions of persons whom he suspects to be addicted to crime and who do not give a satisfactory account of themselves. These provisions will render it possible to deal effectively with trans-frontier foreigners or natives of Upper India who terrorise the peaceful villagers of Bengal and Assam. Meanwhile, however, at the instance of the new criminal intelligence bureau special police measures have been taken by both the Governments concerned to watch and to control the movements of vagrants.

23. *Counterfeit coining*.—Having reason to believe that common coining was widely practised in Bombay, Madras and Berar the Government of India in 1899 called for a return from those provinces of all cases which came to light. All local Governments were also asked to cause the finger-impressions of all convicted coiners to be circulated to other provinces for information.^d In February 1901, orders were issued with the object of securing that the police should have an opportunity of examining all false coins received at railway stations.^e In 1899 and 1901 with the object of further facilitating inquiry the High Courts were moved to direct the subordinate courts to forward to the

(a) H. D. letter nos. 1596—1605, d. July 21, 1899. (164)
 (b) H. D. resn. nos. 2566—2577, d. Sep. 18, 1900. (165)
 (c) H. D. letter no. 273, d. Mar. 29, 1905.

(d) H. D. letter nos. 555—557, d. Sep. 6, 1899.
 (e) H. D. resn. nos. 134—145, d. Feb. 19, 1901.

nearest treasury office, for transmission to the mint, counterfeit coins together with any implements, dies or moulds, coming before them in certain cases under the Criminal Procedure Code"; and in the latter year quarterly returns containing full information as to all cases of coining were called for.^b The returns for 1902 showed an alarming increase in the number of counterfeits discovered: and, after making full allowance for other causes which might have contributed to this result, the Government of India thought it advisable that the subject should be thoroughly re-examined. The most serious feature of the position was the discovery of coins of such excellent workmanship that even experts disagreed as to their character. Taking advantage therefore of the presence of the Police Commission and of provincial Inspectors General in Simla, the Government of India convened a conference to discuss the question. The conference thought that the detective agencies which it was the intention of the Commission to propose, coupled with the enlistment of approvers and the improvement of the prosecuting staff, would prove adequate measures; but in the meantime they suggested the immediate deputation of two officers who should inquire closely into the extent of the practice and the methods employed, and should be empowered to grant remission of sentences conditionally for information obtained from convicts in jail.^c A third officer was added for work in native states. The inquiries of the officers selected are bearing valuable fruit. In several instances important convictions have been obtained: and the investigation has aroused a general interest in the subject and added considerably to our knowledge of coiners and their methods.

24. *Counterfeit notes.*—It was decided in 1902 to institute a special inquiry into the forging and uttering of counterfeit currency notes, the number of which appeared to be increasing. Mr. Kirkham, a district superintendent of police in the Central Provinces, was placed on special duty under the orders of the Thagi and Dakaiti Department. The inquiry is mainly the concern of the Finance Department, but orders were issued in the Home Department authorising the General Superintendent to obtain from local Governments full particulars of all cases of forging and uttering, and empowering the special officer to offer conditional remissions of sentence to any confessing prisoner who gives evidence leading to the conviction of forgers.^a One consequence of the inquiry has been the institution of an important prosecution in Calcutta which is still under trial. The general result has been to show that the forgery of currency notes is almost entirely in the hands of Bengalis who frequently employ Afghan traders to utter them. It is hoped that the practice of counterfeiting is being gradually suppressed as there has been no appearance of a large forgery recently.

25. *Infanticide.*—In January 1900 the Punjab Government proposed to limit the operation of the Female Infanticide Act in the Jullundur district to five villages, and to appoint a medical agency in lieu of the police to superintend its working. On a review of the evidence the Government of India doubted if sufficient endeavour was being made to suppress the practice of female infanticide which appeared to be widely prevalent. They drew attention to the success which had been attained in the United Provinces, and they invited the local Government to propose a scheme more commensurate with the dimensions of the problem and the duty of Government. The Punjab Govern-

(a) H. D. letter nos. 218-227, d. Feb. 15, 1899.
 (b) H. D. letter nos. 652-61, d. Nov. 23, 1901.
 (c) Progs. of Confee., d. Apr. 27, 1903.

(d) H. D. letter no. 524, d. June 19, 1903.
 (e) H. D. letter no. 346, d. May 5, 1900.

ment replied that the statistical data from which the prevalence of the practice could be deduced were wanting, and that it proposed to collect information at the then forthcoming census. The Government of India agreed and forwarded a memorandum by the Census Commissioner in which lines of investigation were suggested. Meanwhile they sanctioned the experimental measures proposed for the Jullundur district. Shortly afterwards, however, Jullundur was afflicted by an exceptionally severe epidemic of plague. This made it necessary to employ on plague duty the staff intended for the operations and made it impossible to pursue the inquiry among the disease-stricken population and in the presence of a mortality from natural causes which would have entirely vitiated any results arrived at. The investigation was accordingly abandoned.

26. *Dacoity*.—In 1899-1900 there occurred a troublesome outbreak of gang robberies in the Agra and neighbouring districts. It was supposed for some time that these were the work of raiders from the Dholpur and Bharatpur states: but the arrest of Mohan Lal Kachi, leader of the gangs, in January 1900 led to information showing conclusively that the great majority of the dacoits came from Agra itself. The gangs were successfully broken up and many of the offenders were brought to justice. The manifest failure of the Agra police was severely commented upon by the local Government in its annual review of police work, and the Government of India inquired what action had been taken to remedy matters. The reply of the United Provinces Government showed that several delinquents had been punished, vigorous reforms effected and a thorough co-operation established with the agency police.

The circumstances of a dacoity committed in 1904 at Kalachera in Assam illustrate modern conditions of crime in India in so remarkable a manner as to deserve brief mention. The offence was planned in Afghanistan by certain Kabulis who were in the habit of resorting to Assam for purposes of trade and had in the course of their travels acquainted themselves with the circumstances of a wealthy banker in Cachar. Their intention to rob the banker became known to an Afghan friend of his who telegraphed to warn him while the gang were still on their way through India by rail. The banker took no heed, but his friend on receiving no reply from him, wisely communicated with the Calcutta police with the result that the local district superintendent was enabled to arrest the gang practically in the act of dacoity.

27. *Serious disturbances*.—In 1899 serious religious disturbances took place in the district of Tinnevely. On April 20, the Shanars, a class who had aroused the enmity of other castes by their social pretensions and who resented the closing of a temple to which they considered themselves entitled to admission, attacked and destroyed the Maravar quarter of the town of Sivakasi. The Maravars determined on revenge and the apathy of the local authorities allowed their preparations to mature unchecked. On June 6, the Maravars attacked Sivakasi. Fifteen people were killed and others died of their wounds; nearly a thousand houses were destroyed; and there was much looting. The Maravars were repulsed, but bands of them continued for some days to move about burning and plundering Shanar villages in Tinnevely, Madura and Travancore. In ten days order was restored by the energetic action of Mr. Bedford who took charge as Collector on June 8; but the pursuit of the scattered Maravars was a work of time. The Madras Government appointed a Special Commissioner to inquire into the causes and history of the outbreak. From a review of his report the Government of India

concluded that Mr. Higgins, who had been in charge of the district until November 1898, had culpably failed to realise the position; and that Mr. Scott, who was Collector when the outbreak occurred, entirely failed to take precautions and showed scandalous irresponsibility in leaving his post on privilege leave at the very time when murder, bloodshed and arson were being committed and were likely to be repeated.^a The Government of India called for an explanation from the former officer and directed that, in addition to the punishment inflicted by the local Government, the latter should be reduced nine places on the list of seniority. They ordered further that the district superintendent of police, who had warning of what was occurring and had failed to grasp the situation, should be debarred from acting promotion for one year. The latter order was subsequently modified in the public interests at the request of the Madras Government: but the Government of India on receipt of the report called for were constrained to censure Mr. Higgins, and to maintain the order of punishment passed on Mr. Scott.^b In the criminal proceedings against the rioters 405 persons were sentenced by the Sessions Court and 258 were punished by the magistrates. A force of three hundred punitive police was also imposed on the district. In 1902 the question of its further retention was considered, but the Madras Government reported that the aggressive attitude of the Shanars was still causing apprehension, and it was decided to maintain the force for a full period of five years.^c

In the last few days of 1899 an outbreak occurred among the Mundas, an aboriginal tribe of the Ranchi district in Chota Nagpur. A religious leader named Birsa, who had given trouble some years before, reappeared and proclaiming himself a prophet, kindled a widespread agitation. Police were sent out to disarm his adherents with the result that the rising spread. A police station was burned and five native constables were killed. A European and his servant are said to have been also killed. Elsewhere attacks were made on native Christians and several houses were burned. A company of troops was sent out from Doranda, and on January 8, 1900, after ineffectual efforts had been made to induce the assembled Mundas to surrender, their position was attacked. The troops fired three volleys and charged before the insurgents broke and fled. Four Mundas were killed and three wounded: but further search showed that three women and a boy also had unfortunately been killed and that another child had been badly hurt. The exact circumstances in which the latter casualties occurred were not immediately reported by the Commissioner, and the Government of India censured that officer for the default.^d When, however, they were in a position to review the facts, the Government of India thought that though the officers and troops were unaware of the presence of women and children with the insurgents the firing should have been stopped as soon as active opposition ceased, and they caused this opinion to be communicated to the Commander-in-Chief who had supported the action of the officer commanding the troops.^e A minority in Council dissented from this decision. With the attack of January 8, 1900, active resistance ended, and Birsa and some hundreds of his adherents were arrested without much difficulty. The conduct of the legal proceedings, however, was unsatisfactory. Difficulties in obtaining evidence led to delays which the local Government failed to check. Eventually about one-fifth of the persons arrested were convicted and sentenced. The Government of India commented

(a) H. D. letter no. 84, d. Feb. 3, 1900. (166)

(b) H. D. letter no. 347, d. June 5, 1900.

(c) H. D. letter no. 931, d. Nov. 5, 1902.

(d) H. D. letter no. 945, d. Mar. 31, 1900. (167)

(e) H. D. memo. no. 870, d. Mar. 27, 1900. (168)

unfavourably on this result. It was inevitable, they recognised, that many arrests should have been made on mere suspicion, but there was undue delay in ascertaining whether the detention of the persons arrested was justified.^a The Bengal Government subsequently explained that but for the unexpected view of the law of conspiracy taken by the presiding judge, a larger number of convictions might have been expected.

The outbreaks which occurred at Cawnpore and elsewhere in connection with plague measures will be described in chap. X, para. 2.

28. *Finger-impressions.*—The system of identifying criminals of certain classes by means of their finger-tip impressions, which was adopted throughout India in 1897 in lieu of the Bertillon anthropometrical method, continues to yield good results. In 1899 Mr. Henry, Inspector-General of Police in Bengal, visited Bombay, Allahabad, Rangoon and Madras to explain the working of the new arrangements. The anthropometrical records as they are no longer required for police purposes are made over to the Director of the ethnological survey. In 1901 the English Home Office inquired how the finger print system was working. The Government of India replied that over 200,000 records had been collected and that they had no doubt of its value.^b The percentage of successful identifications effected is steadily increasing.

The Police Commission pointed out, however, that in order to enable the system to be developed to the full, there should be uniformity of classification and notification, and this is now being secured. They thought that a single bureau should suffice for an entire province, but that there should be a central bureau for the record of the finger-impressions of criminals who are likely to commit offences in more than one province. These suggestions also have been adopted. Hitherto the finger print system has been used ordinarily to aid the police in tracing old offenders and not for the purpose of affording direct proof of previous convictions. But professional offenders now travel over a wide extent of country and the present state of the law, which declares that a finger-slip is inadmissible unless proved by the oral evidence of some person in whose presence the prints were taken, may give rise to difficulties in proving previous convictions against offenders from a distance. The Government of India have accordingly consulted local Governments upon the desirability of empowering prison officials by law to take the finger prints of prisoners, and on the proposal that a certificate signed by a gazetted jail officer upon the slip bearing the finger impression should be declared admissible as evidence that the prints are those of the person mentioned in the certificate.^c

29. *Provident fund.*—The proposal to create a general provident fund for the police service was discussed by Lord Elgin's Government with local Governments and the Secretary of State. Rules were circulated for criticism in August 1898 and were generally approved in the replies received during 1899. In August 1899, the rules were formally promulgated. All officers of or above the rank of assistant superintendents were required to subscribe not less than five per cent. or more than ten per cent. of their monthly salary, interest at four per cent. being allowed on deposit. Subscription was made obligatory in the case of officers already in the service previously married, or subsequently marrying, if they failed to make adequate provision for their family in other ways.^d

(a) H. D. letter no. 2729, d. Mar. 23, 1901.
(b) H. D. tel. no. 164, d. Feb. 26, 1901.

(c) H. D. letter no. 771-79, d. Aug. 17, 1905
(d) F. & C. resu. no. 3824-P, d. Aug. 18, 1899.

30 *Police armament*.—Their attention having been drawn to a case in which the bored-out Sniders with which the ordinary police were armed proved useless in attacking armed dacoits, the Government of India directed that such weapons should be used only in the case of city disturbances. For use against gangs of dacoits themselves armed with rifles a sufficient force of rifle-armed police should be made available. They inquired if local Governments were satisfied with these arrangements in this respect,^a and on receipt of their replies the question of increasing the number of rifle-armed police was left over for consideration by the Commission. Meanwhile, however, Martini-Henry rifles have been given to the jail guards and police who previously carried Snider rifles; and Martini-Henry smooth-bores are being gradually issued in lieu of Snider smooth-bores to the armed police generally.^b Good progress has been made in effecting this change.

31. *Military police*.—In consequence of the Calcutta riots in 1897 Lord Elgin's Government had proposed in 1898 to form a fourth company of Bengal military police to be stationed near Barrackpore. The Secretary of State sanctioned the proposal in January 1899.^c In October 1899 a mutinous outbreak occurred among the Karen battalion in Burma and it was broken up and distributed by companies among other battalions. In 1900 the Government of India approved of the enlistment of a second company of Kachins for the Bhamo military police. A third company was also enlisted in 1902 for the Myitkyina battalion. But the Kachins are needed as sepoys, and the Lieutenant-Governor has been asked to consider further the possibilities of developing local recruitment so as to avoid the demands made on sources of recruitment for the regular army. In 1900 the Burma military police, and in 1901 the Assam military police were re-armed with Martini-Henry rifles. Webley pistols in lieu of Enfield pistols were also issued to the native officers of the latter force. Owing to the difficulty in obtaining a sufficient number of officers of the Indian staff corps for the Burma military police, it was decided in 1902 to allow officers of the British service to accept appointments. The Police Commission's proposal to abolish the force of military police maintained in Bengal and Lower Burma has been noticed in para. 12. The questions of the strength and distribution of the military police force in Assam were raised in 1904 by the decision to withdraw regular troops from the stations of Manipur, Dibrugarh, Kohima and Silchar. The Chief Commissioner has since submitted a complete scheme for the reorganisation of the force involving the strengthening of two battalions, the reduction of two others (in one of which an outbreak of insubordination occurred in June 1904) and the raising of a fifth new battalion. It is proposed also to improve the terms of service of both officers and men. The cost of the proposals is about two lakhs a year. These matters are still under the consideration of Lord Curzon's Government.

32. *Military guards*.—The practice of employing military guards for the protection of certain treasuries and civil jails in the Bombay presidency was abolished in 1901-02, and such duties were entrusted to armed police and jail warders. In 1904 at the instance of Lord Kitchener the Government of India proposed to local Governments that the army should be entirely

(a) H. D. letter nos. 485—493, d. July 11, 1901.

(b) H. D. letter nos 901—913, d. Oct. 30, 1902

(c) *Desp. no. 5 (Judl.)*, d. Jan. 26, 1899 (169).

relieved of the duty of furnishing guards over civil buildings. They added as reservations that military guards might be retained when required for ceremonial purposes as in the case of Government Houses; or for political reasons, as in native states; or in cases where there were special elements of danger as on the frontier.^a Local Governments generally have acquiesced in the proposals, but the final disposal of the case has been deferred pending the receipt of further information from Bombay and Calcutta.

33. *Training schools*.—In 1900 the Government of the United Provinces decided to revise its arrangements for training police officers, and to remove the location of the school from Allahabad to Moradabad. The Government of India supported and the Secretary of State sanctioned its proposal to place an experienced district superintendent in charge of the new institution.^b In 1899 the Government of Madras instituted a central training school at Vellore, to be open for six months in the year. Three years later they recommended that it should be made a permanent institution in the charge of an assistant superintendent. Consideration of this proposal was deferred pending a decision upon the Commission's recommendations, but meanwhile temporary arrangements were made to carry on the work.^c As has been already stated, it has been decided that European assistants should undergo a course of training at a police school in India. Such schools now exist in all the larger provinces save Bombay and Burma where they are being started. For constables the Police Commission advocated a course of training in central schools so placed as to be accessible from several districts. The proposal has been adopted so far as the various provinces of India are concerned. In Burma the system of training in district schools has been retained as being better suited to the characteristic usage of the province.^d

34. *Bengal-Nagpur Railway police*.—The opening of this line gave rise to discussion as to the best means of policing a railway which runs through more provinces than one. The question is one of the relative advantages of continuity of administration over the whole line, or of co-operation with the district police. The Government of India were at first disposed to place the whole of the railway police under the Bengal Government; but on further consideration of the Chief Commissioner's views they agreed that the administrations of Bengal and the Central Provinces should control the police on the portions of the line lying within their respective jurisdictions.^e The decision is of importance mainly because it foreshadows the pronouncement of the Police Commission on the same question two years later.

35. *Miscellaneous*.—A few miscellaneous matters require brief mention. In 1899 the maintenance of a special establishment in the shape of the Burma Police Supply and Clothing Department to provide for the Upper Burma military police was sanctioned without limit of time; but the question of its reduction will be considered when improvement in communications renders its retention needless.^f The system of granting rewards to railway police for meritorious service was reviewed in 1900-01, but no alteration in the standing orders was thought necessary.^g Police arrangements at the Delhi Durbar of 1902-03 were carefully considered by the Central Committee in communication with the Inspector General of Police, Punjab, in whose hands the

(a) H. D. letter nos. 1019-1026, d. Nov. 3, 1904.

(b) *Desp. no. 62 (Judt.)*, d. Dec. 6, 1900 (170).

(c) H. D. letter no. 27, d. Jan. 24, 1903.

(d) *H. D. resn. nos. 248-259*, d. Mar. 21, 1905 (171).

(e) H. D. letter no. 797, d. Nov. 13, 1901.

(f) *Desp. no. 31 (Judt.)*, d. June 15, 1899 (172).

(g) H. D. letter nos. 445-454, d. June 22, 1901.

actual control was left. In all over five thousand men and officers were on duty. The work was admirably done and the Government of India cordially acknowledged the services of all the officers and men employed. In 1901 with the object of improving the efficiency of the Calcutta police, twenty-four sections of the Criminal Procedure Code of 1898 were extended to the presidency.^a The question of preparing a comprehensive police bill for Calcutta on the lines of the Bombay City Police Act was left over till the Commission should have reported, and in the event was dropped in view of the other legislation to which their proposals gave rise. The working of the law in force in the presidency towns regarding prostitution has been separately examined. In Madras no difficulty has been experienced. In Bombay it was reported that procurers were using Colombo as a base of their operations and the colonial Government was accordingly addressed. In the case of Calcutta the Government of India were at first inclined to think that the law should be made more deterrent; but they subsequently accepted the opinion of the local Government that legislation was not required.

(^a) H. D. letter no. 523, d. Aug. 2, 1901.

CHAPTER V.

PENAL.

(a) INDIAN JAILS.

1. *General results.*—The provincial reports upon prison administration are reviewed by the Government of India in an annual resolution.* The six years' period ending with 1904 presents no striking fluctuations of statistics. The average daily population of the jails in British India varied from 118,107 in 1900, when high prices caused a large influx, to 94,474 in 1904. The jails of the United Provinces alone contain over a quarter of the total number. The nett cost of maintaining a prisoner for one year, which depends primarily on the price of food-stuffs, ranged from Rs. 46 in 1899 to Rs. 54 in 1901. Evidence of a consistently efficient administration is afforded by the mortality returns. With the exception of 1900, when the effects of famine made themselves felt, the death rate in Indian jails during the years 1899—1903 was under 27 per mille of the population, and in the year 1904 it fell to 17·75 permille, which is absolutely the lowest ratio on record and a result that does the utmost credit to the executive and medical officers responsible.

2. *Jail Department.*—It has for some time been the aim of Government to secure efficiency in its penal system by organizing a specialised department in which officers would be content to spend the whole of their career and thus become experts in prison work. Various measures have been taken in furtherance of this idea. In 1900 it appeared that there was some reluctance to join the department owing to the fact that a decision to do so could not afterwards be reconsidered; and to remove this impediment to recruitment officers electing for jail service were allowed the option of reverting within the first two years.^b In December 1902 the Government of India, desiring to secure equality of promotion, proposed that long vacancies in the office of provincial Inspector-General should be filled by selection from among officers of the department throughout India at large^c; but local Governments generally laid stress upon the importance of acquaintance with local conditions, and the Government of India did not for the time being pursue the scheme. In the Central Provinces the office of Inspector-General of Jails has hitherto been held jointly with that of Inspector-General of Police; but in recent years the combined charge has proved too much for a single officer. Pending further changes in connection with the incorporation of Berar, the Central Provinces jails department was placed under the charge of an experienced jail superintendent as separate Inspector-General. Later on, when the provinces were amalgamated the appointment of Inspector-General was separated from the cadre of superintendents, and a pay of Rs. 1,500 was attached to the post. The pay of the Inspectors-General of Prisons in Madras, Bombay and the United Provinces was equalised in 1905, in connection with the general revision of rates of pay in the Indian Medical Service (Chap. IX, para. 1), and fixed at Rs. 1,800 rising to Rs. 2,000.^d At the same time the rates of pay of commissioned medical officers in whole-time charge of central jails were improved. The Government of Lord Curzon had taken up this question in 1901^e. Existing rates of pay had been fixed thirty years before; and the scale, though still attractive to junior officers, had the effect of deferring the higher increments too long. After ascertaining

(a) { *H. D. resn. nos. 453-64, d. Nov. 1, 1900.* (173)
H. D. resn. nos. 510-21, d. Dec. 12, 1901. (174)
H. D. resn. nos. 532-44, d. Aug. 27, 1902. (175)
H. D. resn. nos. 621-33, d. Sep. 5, 1903. (176)
H. D. resn. nos. 564-75, d. Nov. 18, 1904. (177)

(b) *H. D. resn. nos. 34-46, d. Jan. 16, 1901.* (178)
(c) *H. D. letter nos. 834-89, d. Dec. 15, 1902.*
(d) *H. D. resn. nos. 180-92, d. Sep. 28, 1905.*
(e) *H. D. letter nos. 363-60, d. Aug. 28, 1904.* (179)

local Governments' views, the Government of India proposed a scale rising from Rs. 700 to Rs. 1,400 in the case of first-class jails, and from Rs. 650 to Rs. 1,350 in respect of second-class jails^a. The Secretary of State reserved his decision until the proposals relating to the pay of civil medical officers generally (Chap. IX, para. 1) should be before him; but his inclination was to differentiate more largely between the remuneration proposed for the charge of the two classes of prisons.^b Eventually it was decided that the pay of superintendents should be fixed at Rs. 150 or Rs. 50 in excess of the pay of an officer in medical charge of a native regiment, according as the jail in his charge was of the first or second class.^c Before these orders took effect an anomaly in the existing scale was corrected by the ruling that the emoluments of an officer officiating in charge of a first-class jail should never be less than they would be if he were acting in charge of a second-class jail. Except in Madras, Bombay and Bengal, central jail charges are now held entirely by commissioned medical officers; and in Madras the local Government has agreed to reserve three out of its five first-class central prisons for such officers.

3. *District jails.*—The executive charge of district jails throughout India is ordinarily held by the civil surgeon. In 1901 the Punjab Government represented that the allowances granted for this duty were insufficient. It urged that increased efficiency had been attained only at the expense of increased labour; that the work was irksome and alien to officers' professional duties; and that the creation of a separate jail service, by depriving civil surgeons of any expectation of succeeding to the post of Inspector-General, had left them no compensation for the uncongenial duties of jail administration other than the monthly allowance. After exhaustive discussion of the question with local Governments the Government of India accepted the general opinion that more liberal allowances should be given. In July 1903 they proposed to the Secretary of State a new scale of allowances rising from Rs. 25 in the case of jails with less than 50 inmates to Rs. 250 for jails with a population of 700 or more.^d These recommendations were estimated to cost Rs. 77,000 a year. Meanwhile, however, the general increase in the pay of civil surgeons (Chap. IX, para. 1) had removed the main argument for raising the jail allowances, and the Secretary of State decided that no separate increase of the allowances was necessary.^e The Government of Lord Curzon readily acquiesced in this decision. In order to determine the amount of the allowance admissible for the charge of each jail, it was proposed that a certificate of the daily average population should be furnished by the superintendent to the audit officer who passes his salary bill, but on further consideration no change in the existing procedure, by which the rate is determined by the previous year's average, was adopted.

4. *Jail warders.*—In various provinces the position of subordinate jail officers also has been improved. In August 1899, after reference to local Governments, the rates of travelling allowance admissible to a warder on transfer were increased so as to meet the expenses of moving his family.^f In 1900 the service in Bengal was reorganized on a more advantageous grading; and in 1903 a similar reform was effected in the Central Provinces. The pay of warders in the Aden jail has also recently been raised. In consequence of the amalgamation of Berar with the Central Provinces the jailor and warder establishments in both provinces have been brought on the same list, the pay of the Berar officials being raised to the rates in force in the Central Provinces.

(a) F. & C. *desp.* no. 326, d. Nov. 6, 1902. (180)

(b) *Desp.* no. 7 (Judl.), d. Feb. 13, 1903.

(c) H. D. *resn.* nos. 180-92, d. Sep. 28, 1905.

(d) F. & C. *desp.* no. 212, d. July 16, 1903. (181)

(e) *Desp.* no. 20 (Pub.), d. Feb. 13, 1905.

(f) H. D. *resn.* nos. 362-73, d. Aug. 29, 1899.

5. *Changes in jails.*—The only new central jail constructed during the years 1899—1905 was the temporary prison at Mung Rasul for the reception of convicts employed on the excavation of the Jhelum canal. In 1901 the Madras penitentiary was raised in status from a second to a first class jail. The Bellary district jail has also been turned into a second class central jail but the status of its superintendent has yet to be decided. New district jails are being constructed at Karachi and Sukkur and will be occupied during the current year, and in the United Provinces certain magistrates' lock-ups have been converted into fifth-class jails.

6. *Improvements in jails.*—In 1895 the Government of Lord Elgin decided that, with the object of rendering prison discipline stricter, it was desirable to provide cells in which certain classes of prisoners should be separately confined, save during the hours of exercise. They determined also that with a view to the repression of misconduct on the part of habitual offenders cubicles should as far as possible be constructed in dormitories for the separation of prisoners at night. In April 1899 the Bengal Government questioned the expediency of introducing these changes on a general scale, but Lord Curzon's Government adhered to the decision of their predecessors. The work, which will take years to complete, has subsequently progressed as well as funds have permitted. New jails are now generally being constructed on the cellular principle, and cubicles have been placed in dormitories in many of the central jails. In February 1902, when the Government of India made special grants aggregating 30 lakhs to local Governments, they desired that a fair proportion of these should be expended on prison buildings.^a Part of the money was expended upon cells, but some Governments preferred to make an allotment to other needed works of jail improvement. Again in March 1903, when special grants of 38 lakhs were made, the extension of the cubicle system in central jails was commended to local Governments as a suitable object of expenditure^b.

7. *Transfer of prisoners.*—Previous to 1900 it was the practice only in Bengal to transfer prisoners belonging to criminal tribes or police-registered prisoners who did not belong to the province to their native province prior to release. In December 1899 the Government of Bombay proposed that all prisoners foreign to the province in which they were confined should be transferred to their provinces of origin as soon as their sentences became final. But the Government of India regarded the proposal as open to serious objections both in principle and practice, and contented themselves with suggesting to local Governments the general adoption of the Bengal system^c. This proposal was generally accepted, and the new arrangement was brought into working in July 1900^d. Such transfers required in each case the sanction of the Governor General in Council, and needless routine correspondence thus resulted. An attempt to provide for them under general orders in the bill which afterwards became the Prisoners Act, was dropped in order to conserve the character of the bill as merely a consolidating measure. On the constitution of the North-West Frontier Province transfers of prisoners from the Punjab to the new province were frequent, and the inconveniences of the existing procedure became more apparent: accordingly it was decided to take advantage of the repealing and amending bill then under consideration to provide for the transfer of prisoners between all provinces by general orders. The Repealing

(a) F. D. letters nos. 1184-A.—1142-A., d. Feb. 24, 1902.] (c) H. D. letter nos. 51-8, d. Jan. 31, 1900.

(b) F. D. letter no. 1574-A., d. Mar. 20, 1903,] (d) H. D. resn. nos. 314-25, d. July 24, 1900. (182)

and Amending Act, 1903, made the required change in the law by substituting a new section for sections 29 and 31 of the Prisoners Act, 1900. Local Governments were then consulted, prior to the issue of orders, upon the questions whether particular jails should be designated for the reception of prisoners from other provinces, and whether previous consultation before transfer was desirable^a. Eventually general orders were issued providing for the transfer of prisoners under the orders of the Inspectors-General of jails except in the case of military convicts. Prior consultation between the Inspectors-General concerned is provided for, in cases where it is proposed to transfer a prisoner other than for the purpose of release, and it has been left to local Governments, if they wish to do so, to designate certain jails as receiving depôts to which transferred prisoners should be sent.^b General orders on the foregoing lines have also been issued to regulate the transfer of convicts between the jails of the Central Provinces and those of Berar.

8. *Mark system*.—The system of permitting convicts to earn remissions of sentence by a method of good marks for conduct and industry dates, in its present form, from 1896. The procedure has always been regarded as tentative and several authorities have doubted whether it is really of valuable assistance in enforcing discipline and affording a stimulus to good conduct. These doubts have increasingly found expression in recent jail reports from various provinces. The balance of opinion, indeed, continues to be in favour of the system, but it is generally thought to hold out insufficient inducements to convicts of an unimaginative temperament, and on the other hand be too complicated and to involve the clerical staff of the prison in needless labour. No way was suggested, however, of obviating these difficulties without leaving too much to the discretion of subordinate officers, and the Government of India contented themselves therefore with expressing their willingness to consider any definite proposals designed to simplify the system or to enhance its efficacy. To this invitation the Governments of Bombay and Bengal have recently responded. Some of their suggestions amount to a radical alteration of the existing procedure: but without going so far as they have proposed it may be possible to substitute a system of remission reckoned in units of days instead of by marks as at present.

9. *Coronation releases*.—Following the course adopted at the celebration of Her late Majesty's jubilees in 1887 and 1897, the Government of India determined to signalise the occasion of His Majesty's coronation by a jail delivery from all the prisons throughout British India and in Port Blair. For such a measure Indian history affords many precedents, and it is one which is thoroughly in consonance with native sentiment. Local Governments were accordingly desired, as an act of grace and clemency, to release on the 1st day of January 1903 ten per cent. of all convicts under sentence whose conduct had been good and whose release was not likely to give rise to a revival of blood feuds or crime^c. Under these orders 9,123 offenders were enlarged. Special consideration was shown to Burmans convicted during the disturbances which followed the annexation of Upper Burma and 127 such convicts were released. The orders also authorised the release of 1,231 female convicts whose offences were not of a serious nature; of 4,909 persons under sentence of one month's imprisonment or less who

(a) H. D. letters nos. 376 & 4, d. May 14, 1903.

(b) H. D. resn. nos. 446-8, d. Aug. 8, 1904.

(c) H. D. letters nos. 53, 51, d. Sep. 18, 1902. (183)

had worked out half their sentence; and of 276 persons under sentence of not more than six months' imprisonment, whose offences were more or less attributable to conditions of scarcity. From the Port Blair Settlement the Governor General in Council also directed the absolute release of 352 male and female convicts and the conditional release of 31 convicts under sentence for dacoity. Remissions of punishment, graduated according to sentence, were granted to convicts who could not be released: and to all well-behaved convicts at Port Blair, certain other concessions were allowed. One hundred and thirty-two persons confined in prison in execution of decrees whose debts did not exceed Rs. 100 were set free, Government paying their debts. The total number of prisoners who were released from British jails, including the Andamans, under these orders exceeded 16,000.^a

10. *Juvenile offenders*.—The important decision at which Lord Curzon's Government arrived in September 1899 to transfer reformatory schools from the control of the jail to that of the educational department has been elsewhere noticed (Chap. VI, para. 70). In their annual reviews local Governments and the Government of India alike continue to scrutinize the extent to which juvenile offenders are still committed to prison. The percentage of child prisoners is not large and it may be expected to decrease further with the extension of the reformatory school system. No female reformatory schools have been established, but the number of girl prisoners is very small. For this reason it was not considered necessary to proceed with the project, which Lord Elgin's Government had discussed, of establishing dépôts at one central jail in each province where all girl criminals could be concentrated. Such dépôts have, however, been instituted at the Lucknow and Bhagalpur central prisons.

11. *Long sentence prisoners*.—In July 1902 the Lieutenant-Governor of the United Provinces, at his inspection of the Bareilly central jail, found several prisoners there undergoing terms of imprisonment aggregating twenty years or more. He represented that it was undesirable that prisoners should be confined in Indian jails for periods so long, and suggested that the question of a remission might be considered by the local Government after fourteen years. The Government of India inquired from other provincial Governments whether a similar state of things existed elsewhere, and whether (in preference to the proposals made by the Government of the United Provinces) they considered that the case of such convicts should be referred for orders after twenty or twenty-five years, as in the case of life convicts in the Andamans.^b After considering the replies received the Government of India decided to adopt the proposal of the United Provinces Government.^c It will accordingly be left to local Governments to consider the cases of all such convicts and to decide whether a remission of their further sentence should be granted after they have served for fourteen years. A proposal made by the Punjab Government that legislation should be undertaken to enable the executive Government to substitute under certain conditions sentences of transportation for long sentences of rigorous imprisonment was negatived for the reasons that the change was opposed to accepted principles and had not been justified on the ground of necessity.

12. *Burmese convicts in Indian jails*.—In the course of the foregoing discussion the United Provinces Government raised the question of returning to Burma certain Burmese convicts who had been deported to jails in those provinces at a time when the prisons in Burma were not capable of accommodating all offenders convicted of rebellion in that province. It had previously been the

(a) H. D. resn. no. 1, d. Jan. 1, 1903 (184)

(b) H. D. letters nos. 387-96, d. May 18, 1903.

(c) H. D. resn. nos. 159-70, d. Sep. 6, 1905.

practice to deport such prisoners to jails in Madras, Bombay, Bengal, the United Provinces and the Central Provinces. All Burmese convicts sent to Madras, however, were returned to Burma at the instance of the Madras Government in 1901: and similarly those sent to Bengal were returned after the coronation releases in 1903. After consulting the Government of Bombay, and the Central Provinces and Burma, the Government of India now decided that the practice of transferring Burmese convicts to the jails of Indian provinces should be discontinued and that any such convicts remaining in Indian jails should be returned to Burma.^a

13. *Murderous fanatics.*—On the passing of the Frontier Murderous Outrages Regulation in 1901, the Government of India proceeded to determine the principles which should govern the penal treatment of offenders sentenced under that enactment with the object of enhancing the severity of their punishment. Their aim was to provide for such offenders a particularly deterrent course of penal discipline, in the hope of reducing the number of cases of *ghāza* and kindred crimes. They decided that offenders sentenced under the regulation to transportation should be sent to Port Blair irrespective of the usual conditions regarding age and physique, and should there be continuously confined in the cellular jail. No reductions of sentence should be permitted, and a life sentence should be life-long and nothing less. Offenders sentenced to imprisonment under the Regulation should be sent to the jails at Hyderabad and Lahore, and there kept in separate confinement for the full term of their sentence. Youthful offenders alone were exempted from the operation of these directions, which were subsequently expressed in the shape of formal rules under the Prisons Act made by the local Governments concerned.^b

14. *Ex-military convicts.*—Difficulties attending the disposal of European military convicts enlisted in the United Kingdom, who have been convicted by civil courts in India and subsequently discharged from the army, have occasioned a prolonged discussion in recent years. It has been finally decided that the previous practice, by which such offenders were transferred to Bombay during the currency of their sentence and thence embarked for England, the residue of the sentence being remitted from the date of embarkation, can be maintained only in cases where the offender has signified his willingness to leave India. If he has not done so, the provisions of the Colonial Prisoners Removal Act must be invoked.^c Instructions have now been framed in communication with the Government of Bombay, with the object of ensuring careful compliance with this decision, and these have been communicated to all local Governments.^d

15. *Defalcations and mismanagement.*—In a few instances defaults in jail management have attracted the attention of the Government of India. At the Rangoon central jail in 1900 irregularities occurred in connection with the stock of manufactured articles which necessitated the dismissal of the European jailor and a complete revision of the system of management. In 1902 an inquiry into the high rate of mortality occurring in the Jubbulpore jail suggested that the dieting and clothing arrangements were defective and that major punishments had been inflicted with needless frequency.^e The non-medical superintendent was transferred to another charge; and the prison was placed

(a) H. D. letter no. 31, d. Jan. 30, 1905.
 (b) H. D. resn. nos. 253-7, d. May 10, 1902. (185)
 (c) { H. D. resn. nos. 624-35, d. Sep. 30, 1902. (186)
 { (c) { Desp. no. 10, d. Apr. 9, 1903. (187)
 { Desp. no. 88 (Mily.), d. June 12, 1903. (188)
 (d) H. D. letter nos. 580-589, d. Oct. 1, 1904.
 (e) H. D. letter no. 547, d. Aug. 29, 1902.

under the supervision of a full-time medical officer. In 1903 serious irregularities came to light in the Nagpur central jail, where negligence on the part of the jailor and the superintendent had resulted in overcharges for articles of diet and other losses to Government. As a result of full inquiry, the former officer was reduced in rank and the latter officer removed to a smaller charge and severely censured.^a A still more serious case of defalcation came to light at the Akola jail in 1903. The Inspector-General at one of his inspections expressed dissatisfaction with the way in which the prison accounts were kept and mentioned his intention to depute an auditor to scrutinize them. Shortly afterwards the jail office and record room were set on fire with the undoubted object of destroying the records. Investigation then showed that a regular system of frauds, chiefly in connection with the supply of raw material for the jail factory, had been carried on for a long time. The jail contractor was criminally convicted of fraud, and the jailor and certain other subordinates of the offence of arson. The conduct of the superintendent with reference to these frauds and to the general mismanagement of the prison is at present under the consideration of the Government of India. Such occurrences have, however, on the whole been rare and the Government of India, in their annual resolutions, have been able to express their satisfaction at the generally efficient character of the prison administration.

16. *Jail manufactures*.—The total cash earnings of prisoners in Indian jails varied from nearly 12 lakhs in 1901 to over 15 lakhs in 1902. In May 1903 the Punjab Government inquired whether profit or the value of convict labour should be charged on articles of jail manufacture supplied by one province to another. The Government of India referred the question to other provincial Governments, inquiring whether any distinction was made as regards charges for articles supplied to jails within the province and to jails of other provinces, and suggesting that the supplying province should forego any profit on the transaction and should simply transfer the cost actually incurred from jail “manufactures” in one province to jail “supplies” in the other. To this proposal certain authorities took exception on the ground that it would encourage a tendency on the part of jail superintendents to employ their own convict labour as far as possible on remunerative work while obtaining their supplies from the jails of other provinces. The Government of India considered these apprehensions exaggerated and decided that only the expenditure actually incurred on the articles supplied from jail to jail whether within the same or in any other province should be charged to the purchasing jail.^b An exception to this rule was allowed when articles were sold to prisons beyond the limits of British India.

17. *Escaping prisoners*.—In February 1904 an important question of penal administration arose in Madras in connection with the case of a prisoner who had escaped from custody and not been recaptured until after the date of expiry of his original sentence. The Advocate General, Madras, held that there is no provision of law authorizing the detention of a captured convict beyond the date on which the term of his original sentence would have expired, unless he is on recapture prosecuted and convicted for the specific offence of escaping. This opinion, if upheld, suggested that it might be desirable to amend the law and the Government of India accordingly referred the question for the advice of the Advocate General, Bengal. Mr. O’Kinealy, however, advised that

(a) H. D. letter no. 551, d. July 28, 1903.

(b) H. D. resn. nos. 340-51, d. June 25, 1904.

under the law as it at present stands an escaped convict on recapture or surrender may be required to undergo such portion of the sentence passed on him as remained unexpired at the time of his escape, whether he has or has not been convicted of escaping. This opinion the Government of India forwarded to the Government of Madras with the remark that they were not prepared to undertake legislation unless or until the contrary opinion held by the Advocate General, Madras, was judicially affirmed.^a The opinion of the Advocate General, Bengal, also disposed of certain other connected questions referred by the Government of Madras.

18. *Reduction of statistics.*—In connection with the general inquiry into the curtailment of reports, which has been described in Part I of this summary, it was decided to revise and to simplify the forms prescribed for prison statistics. An informal committee met at Simla and drew up revised forms reducing their number by about one-third. Local Governments were consulted upon the changes:^b and the forms after further settlement will shortly be prescribed.

(b) PORT BLAIR.

19. *General results.*—The reports on the administration of the penal settlement of Port Blair are reviewed by the Government of India in an annual resolution.^c The average daily convict population has gradually increased from 11,055 in 1899 to 13,326 in 1904. This increase is explained in para. 21 below. The net annual cost of maintaining a convict in the Andamans varied during the past seven years between Rs. 84-8-3 and Rs. 99-4-9. The death-rate among the convict population ranged from 27 per mille in 1899 to 42 per mille in 1903, the average being about 38 per mille. The total receipts of the settlement after remaining for some time stationary at about 6½ lakhs rose to over 8 lakhs in 1904, but the expenditure has risen from about 16½ lakhs to about 20½ lakhs in 1903. The increase is attributable to the provision of more jail and barrack accommodation.

20. *Cellular and associated jails.*—The scheme of the penal system of the settlement, which was sanctioned by Lord Lansdowne's Administration, contemplates that each convict shall pass the first six months of his sentence in separate confinement, and thereafter eighteen months in intramural labour in association with other convicts. The construction of the cellular jail, which was the first step towards carrying out the scheme, has absorbed much of the activity of the settlement for many years. Begun in September 1893, it was completed only towards the end of 1904. With the most economical distribution of labour, not more than three hundred convicts could be employed on the site itself and the allotment of even this number has retarded other constructive works. The wooden railings to cells which the original design provided were found unsuitable, and they have been replaced by iron railings at the cost of a quarter of a lakh. Other minor improvements in the shape of spiral stairs, and sheds for the exercise of convicts were sanctioned during Lord Curzon's temporary absence from India in 1904. The building of the second jail, where prisoners will be associated in confinement, was sanctioned by the Secretary of State in 1899.^d It will cost fifteen lakhs, including the value of local materials and of convict labour, and will when completed contain 1,800 convicts. The difficulty of finding labour has delayed its inception, and up to the present it has only been possible to undertake the road-making preliminary to the main project. The

(a) H. D. letter no. 556, d. Oct. 31, 1904.

(b) H. D. letter nos. 118—27, d. Feb. 7, 1903.

(c) H. D. resn. nos. 92—93, d. Feb. 5, 1900. (189)

(c) { H. D. resn. nos. 943—944, d. Dec. 22, 1902. (192)
H. D. resn. nos. 144—145, d. Mar. 8, 1904. (193)
H. D. resn. nos. 245—246, d. Mar. 13, 1905 (194)

present Superintendent has, however, made certain proposals regarding the future of the settlement pending the consideration of which further progress has been postponed. The full effect of the completion of these works upon the penal system will be appreciated if the present distribution of the 14,000 convicts in the settlement is considered. The cellular jail, the jail on Viper Island and the female jail now hold some 650 prisoners. Of the rest, 11,000 are labouring convicts living in barracks scattered over twenty stations, and over 2,000 others are self-supporters. When the cellular and the associated jails are finished, over 3,000 convicts or probably one-fourth of the total population as it will then stand will come under conditions approaching those of Indian prison life. The construction of the associated jail will eventually make it possible to dispense with the jail on Viper Island where the worst and most desperate criminals are at present confined. But there is no likelihood of this occurring soon, and meanwhile the Government of India have sanctioned the introduction of wire-netting cubicles into the Viper Jail at a cost of Rs. 12,000.^a

21. *Labour supply*.—For the foregoing reasons one of the chief aims of the Government of India has been to increase the supply of labour at the disposal of the Superintendent. In August 1899 they agreed to allow term convicts who had more than seven years of their sentence to serve to be transported to Port Blair.^b Inquiry from local Governments showed, however, that the previous discontinuance of the practice of transporting term convicts had affected the practice of the courts, which no longer awarded sentences for transportation for a term of years as a common matter, and that in consequence less than £00 such convicts were available for deportation instead of the 1,500 additional workers for whom the Superintendent had asked. As a matter of administrative expediency, convicts sentenced to rigorous imprisonment in Burma are sent to Port Blair, but the Government of India did not think it equitable to introduce the practice generally. The utmost that could be done therefore was to direct the transfer of all term transportation convicts with not less than six (instead of seven) years to serve: and to cause judicial officers to be informed of this decision in the expectation that the number of such convicts would increase. Further inquiry in 1901 showed that nearly 1,000 term-transportation convicts would be sent to Port Blair from other provinces, while from Burma 450 convicts of all kinds would be sent. It may be added that the differential treatment of Burmese convicts has occasionally attracted comment in the public press, but the Government of India are satisfied that there are good reasons for its continuance. The Andamans too nearly approach Burma, both in distance and in climate, for transportation thither to prove deterrent to the Burmese. The transfer of Burmese prisoners to Port Blair thus does not involve that removal to a strange and distant land which is intended to constitute the really penal element in transportation: and this circumstance affords justification both for deporting Burmese transportation convicts to prisons in India, as has frequently been done, and for sending Burmese convicts under sentences of imprisonment to the Andamans.

22. *Free labour*.—In the earlier years of the settlement when discipline was lax and convict labour unskilled free labourers were commonly employed in the construction of various works; but the importation of free workers has gradually

(a) H. D. letter no. 742, d. Aug. 4, 1904.

(b) { H. D. letter nos. 348—56, d. June 12, 1899. (197)
 { H. D. letter nos. 959—967, d. Dec. 30, 1899. (198)

ceased and all labour required for settlement purposes has for some time been supplied by the convicts. Recent inspections by the forest officers have shown that the islands contain great stores of padouk and other valuable timbers, but the supply of convict labour is quite insufficient to enable the forest department to develop the timber supply of the islands on a commercial basis. With this object the Superintendent recently proposed to employ free labour to work a saw-mill. The Government of India doubted whether a sufficient supply of free labour would be forthcoming locally and they were not disposed to reopen the question of its reimportation. They suggested that the question of employing free gangs of sawyers to work in the forests should be considered. The Superintendent, however, preferred his own proposal, on the ground that it would be less likely to impair convict discipline. The main principle by which the Government of India have always been guided in dealing with such questions is that the enforcement of penal conditions in the settlement must be the paramount consideration to which any endeavour after commercial profits must, if necessary, give way.^a It is possible, however, that a solution may be found in the employment of free labour on the construction of the buildings remaining to be finished and the utilization of the convict labour thus made available in forest work.

23. *Port Blair Commission.*—The office of Superintendent and Chief Commissioner was held by Sir Richard Temple, C.I.E., from 1899 to the end of 1903. In 1901 when he was on leave, Colonel Graves officiated for him, and in 1903 Mr. Tuson acted for some time as Superintendent. On Sir R. Temple's retirement in January 1904 Mr. Tuson was appointed Chief Commissioner *s. p. t.*, pending the arrival in April 1904 of Mr. W. Merk, C.S.I., who had been designated for the post.^b The appointment has not been held by a civilian for the last 33 years. Four casualties occurred by the retirement of Mr. Man, C.I.E., in 1901 and of Mr. Tuson in 1905, and by the deaths of two assistants in 1902, from fever and from an arrow wound received in a conflict with the aborigines. Some difficulty was experienced in filling these places, and with the object of attracting officers from the Burma police the terms of appointment to the lowest grade were modified. Eventually Messrs. Anderson of the forest department and Brooks, Duff and Clarke of the Burma police were appointed. Temporary leave vacancies have been filled by the appointment of Messrs. Prideaux, Hastings and Tayler. The appointment of eighth assistant superintendent will probably be abolished if a second commissioned medical officer is appointed to the charge of the cellular and female jails (para. 26).^c

24. *Establishments.*—The military police of the settlement who number over 600 men have recently been re-armed with the Martini-Henry rifle.^d The resources of the force have for a long time been heavily taxed, owing to the practical absence of a reserve and the increasing burden of guard duties with convicts working in the forests. Accordingly in 1903 the Government of India sanctioned a large temporary increase in the strength of the force, the cost of the additional men being borne by the forest department and met by raising the price of timber supplied to the settlement.^e Inspectors of the force were also allowed to benefit by recent changes in the leave rules, in so far as these could be applied to them, and ~~subadars~~ and jamadars have been treated as second class officers in the matter of travelling allowance during privilege leave.^f The rate of pensions earned by

(a) { H. D. letter no. 696, d. July 21, 1905.
(b) { Supdt., P.B.'s letter no. 1380, d. Aug. 10, 1905.
(c) { F. D. despatch no. 40, d. Feb. 4, 1904. (199)
(d) { F. D. despatch no. 313, d. Sep. 21, 1905. (200)

(d) H. D. letter no. 55, d. Jan. 31, 1902.
(e) H. D. letter no. 673, d. Oct. 16, 1903.
(f) { H. D. letter no. 160, d. Mar. 6, 1903.
(g) { H. D. letter no. 818, d. Nov. 9, 1904.

non-commissioned officers and men of the force has also been raised.^a In the Commissariat Department permanent civilian overseers have successfully replaced non-commissioned officers of the Supply and Transport Department.^b In June 1903 two permanent and three temporary hospital assistants were added to the medical establishment.^c In the same year the Marine Department was also strengthened by the addition of another launch crew, and of certain clerks in the office.^d In 1904 additional free crews were sanctioned. With the Secretary of State's sanction the pay of the two sub-engineers employed on public works was also raised.^e More recently six additional masters have been added to the educational staff with the object of providing a better education for the children of free parents.^f The local engineer establishment moreover is being completely reorganized.^g The post of engineer and harbour master will be filled by an engineer of the Royal Indian Marine and that of assistant harbour master has been abolished, an appointment of carpenter-constructor being added in its stead. It is intended to appoint to the Andamans an executive engineer to be borne on the Burma cadre, and to substitute the appointment of supervisor for that of one of the sub-engineers. The prospects of the subordinate executive establishment of assistant overseers have also been improved.^h In 1905 the Government of India decided to close two out of the three existing tea-gardens which, partly owing to the insufficiency of the labour supply, were commercially a failure: and the services of Mr. King, the manager of the gardens, were dispensed with, suitable compensation being paid to him in lieu of notice together with a bonus for past service.ⁱ A scheme put forward by the Superintendent in 1901 for the creation of a fund to provide ponies for the use of officers and subordinates in the settlement was negatived by the Government of India on the ground that there was no reason for thinking that the allowances provided for travelling by the Civil Service Regulations were insufficient.^j In 1903 difficulties arose with regard to the remuneration of the senior and junior medical officers in Port Blair for their professional services, and the Government of India issued fresh orders redefining the position.^k The senior medical officer was required to act as the medical attendant of the Superintendent and his family only, but was permitted to undertake consulting practice in other cases. For the services of both the senior and the junior medical officers a scale of fees was fixed, adjusted to the pecuniary means of the officers seeking their assistance. But it was also felt that the officers of the settlement who were only entitled of right to the services of the junior medical officers had reasonable cause for dissatisfaction; and in 1904, the Government of India accordingly moved the Secretary of State to sanction the proposal that the medical officer in charge of the troops should be placed in collateral medical charge of the settlement also.^l This arrangement will be only a temporary one pending the posting of a second commissioned medical officer to Port Blair (para. 26). The question of increasing the pay of the senior medical officer, who did not benefit by the general revision of the pay of Indian Medical Service officers (Chap. IX, para. 1) is now under the consideration of Government.

25. *Discipline*.—The penal system of the settlement has locally been regarded as based on the Andaman and Nicobar Regulation, 1876, and the Prisoners Act of 1871. In practice it has been regulated by the Andaman Manual, a chaotic

(a) H. D. letter no. 411, d. Apr. 29, 1905.
 (b) H. D. letter no. 206, d. Apr. 7, 1904.
 (c) H. D. letter no. 896, d. June 10, 1903.
 (d) { H. D. letter no. 814, d. May 11, 1903.
 { H. D. letter no. 744, d. Nov. 24, 1903.
 (e) F. D. desp. no. 190, d. July 2, 1903.

(g) F. D. desp. no. 256, d. July 13, 1905. (201)
 (h) H. D. letter no. 637, d. July 8, 1905.
 (i) H. D. letter no. 652, d. July 13, 1905.
 (j) H. D. letter no. 323, d. May 25, 1901.
 (k) H. D. letter no. 1057, d. Aug. 31, 1903.
 (l) F. D. desp. no. 375, d. Oct. 13, 1904. (202)

and out-of-date collection of statutory enactments, statutory rules, executive orders of the Government of India, and local orders of the Superintendent. The revision of the manual had been attempted locally; and in connection with the formal amendment of some of its sections it became apparent that the Prisons Act of 1894 legally applied to the jails within the settlement, and the Government of India accordingly instructed the Superintendent that he should in his revision pay due regard to the terms of that enactment. Sir Richard Temple protested that the Prisons Act was unsuited to the circumstances of the settlement, and the Government of India, though unable to accept his views in their entirety, agreed on reconsideration that the simpler and safer expedient would be to exclude the settlement from the operation of such general Acts as had been passed without special reference to it and to provide a separate statutory basis for its administration. The task was one beyond the compass of the local officers, and Mr. Greeven, I.C.S., was deputed in June 1903 to the islands, with instructions to recast the manual and to advise upon the questions of the necessity for separate legislation and the form which, if decided on, it should take.^a Mr. Greeven's proposals were received in August 1904. Their effect will be to provide a secure legal basis for the existing practice in lieu of a collection of rules and orders made as necessity arose, and possibly open to question from the point of law.

But before the Government of India could deal with the draft scheme submitted to them the new Superintendent made sweeping proposals for the abolition of the existing system of transportation.^b Mr. Merk argued that whatever may have been the case originally transportation had under modern conditions ceased to be so deterrent or punitive a penalty as imprisonment in an Indian jail: that it was practically impossible in the interests of health to enforce a severer discipline in Port Blair: that the idea of moral reformation was inapplicable to the majority of the transported convicts: that transportation should accordingly be stopped and the islands colonised and their natural wealth of timber turned to profit. These proposals have called for prolonged consideration and are still before the Government of India: but, so far as can be said at present, Lord Curzon's Government have not been convinced by the arguments addressed to them.

In January 1905, while the foregoing proposals were still under examination the Superintendent made certain suggestions regarding the use of the cellular jail.^c The recommendations of the Lyall—Lethbridge Committee of 1890, on which the existing system of penal treatment is based were that every life-prisoner on arrival should be confined in cells for a six months period, to be raised after trial to nine months. The Superintendent reported that for the past few years new prisoners had been confined in the jail for periods varying from three to six months with good results; but he did not consider that all life convicts indiscriminately should be subjected to confinement in cells and he suggested that discretion should be left with the Superintendent to select prisoners to undergo the treatment, that convicts guilty of peculiarly violent crimes should be imprisoned for nine months, and that any accommodation available after providing for local sentences of solitary confinement should be used for confining by night members of the chain-gang, who would work outside by day. The Government of India, however, decided that the system should be tried with all life prisoners, but left discretion with the Superintendent to curtail,

(a) H. D. letter no. 279, d. Apr. 30, 1903.

(b) *Supdt., P. B.'s letter no. 1387, d. Sep. 16, 1904.* (203)

(c) *Supdt., P. B.'s letter no. 562-L., d. Jan. 12, 1905.* (204)

suspend, or remit the ordinary period of six months, the next stage of confinement in the associated jail being correspondingly increased. They approved the confinement in the cellular jail of persons under local sentences of solitary imprisonment and they invited the attention of the Superintendent to their previous decision that when the cellular and associated jails were completed chain-gang sentences should be abolished. They also directed the Superintendent to take into consideration the question of the replacement of chain-gang sentences wholly or partly by sentences of confinement in the cellular jail.^a The Superintendent has recently submitted suggestions in accordance with these orders.

A few other recent decisions affecting the treatment of convicts may be briefly mentioned. The medical examination of female convicts on arrival, which gave opportunities for abuses, has been discontinued as a general practice.^b The rolls of well-behaved life convicts are usually submitted to Government after 20 or 25 years with a recommendation for release, absolute or conditional. In 1902 the question arose how life convicts with plural sentences, whether concurrent or consecutive, should be treated for the purpose of remission. The Government of India decided that their rolls should still be sent up for consideration after 20 or 25 years, attention being specially directed to the plurality of sentences.^c It has further been ruled that offenders convicted of waging war against the Crown shall be treated in the same category as dacoits: and that natives of India convicted in, and transported from, Burma shall on release be returned not to Burma but to their province of origin. In 1904, the attention of local Governments was called to the necessity of certifying clearly the amount of remissions of sentence earned by prisoners in Indian jails previous to their transfer to the Andamans, and they were asked to cause a statement in English signed by a responsible officer to be attached to the transported convict's warrant.^d Rules permitting of occasional interviews between convicts and their relatives were also settled in 1904. Since 1887 convicts conditionally released from Port Blair have been despatched in charge of an officer to the port of disembarkation in India. At Calcutta and Madras the practice was to forward them under police escort to their ultimate destination, but at Rangoon this procedure was not observed with the result that returning convicts were enabled to elude police observation by omitting to report their arrival at their homes. This defect of procedure was remedied in July 1905, when orders were issued extending to Burma the procedure obtaining in Bengal and Madras and revising the conditions of release so as to lay the necessary obligation on the returning convict.^e

26. *Health*.—The sanitary condition of the settlement has for some time occasioned anxiety. Previous to 1899 the death-rate was low; but in that year it rose to 42·24 per mille, and it has not materially diminished since. Malaria, dysentery and tuberculosis are the three diseases which affect the convict population most seriously, and constant endeavour has been made to reduce the deaths from these. A full report upon all three diseases was prepared in 1904 by the officiating senior medical officer. The conclusions suggested were that while the spread of the two former diseases had been favoured by the climatic conditions of recent years, the explanation of the prevalence of phthisis must be sought partly in the overcrowding which ensues from want of sufficient sleeping room. The Government of India reserved their final opinion pending further report from the permanent medical officer: but in the

(a) H. D. letter no. 583, d. June 19, 1905.
 (b) H. D. letter no. 279, d. Apr. 30, 1903 (205.)
 (c) H. D. letter no. 435, d. June 26, 1902.

(d) H. D. letter nos. 389-397, d. July 15, 1904.
 (e) { H. D. letter nos. 57-65, d. Jan. 18, 1905. (206.)
 H. D. resn. nos. 663-674, d. July 14, 1905. (207.)

hope of diminishing the death-rate from phthisis, they meanwhile directed that special barracks for invalids and convalescents should be constructed, that the annual issue of clothing should be increased, and that convicts should be weighed quarterly.^a The mortality returns of 1904 were worse than those of the preceding year, and on receipt of the permanent medical officer's report further measures were at once taken in the hope of improving the health of the convicts. Two temporary barracks were constructed to relieve the overcrowding, and two barges for the disposal of sewage: additional clothing was issued to the convicts and a supply of condensed drinking water was provided for the female jail.^b The question of issuing locally grown instead of imported rice as food to the convicts is now under consideration. The scheme for the periodical weighing of prisoners was abandoned on further examination. Finally, in order to enable the senior medical officer to pay greater attention to the medical requirements of the convicts it has been decided to post a second commissioned medical officer to Port Blair, who will act as civil surgeon to the settlement and will be also placed in charge of the cellular and the female jail.^c

27. *Invalid convicts.*—In consequence of the fortuitous manner in which recommendations for the release of invalid convicts were occasionally preferred, the Government of India determined in February 1903 to regularise the procedure by the issue of definite rules. They directed that such recommendations should be made only on behalf of moribund prisoners whose condition rendered them incapable of committing or of inciting to further crime, and who had friends or relatives to take charge of them. If the convict's disease endangered the general health, such recommendation might be made at any stage of his sentence: but if otherwise, only after he had served for fifteen years. Prisoners who had married in the settlement, and had wives or husbands to look after them, should not be proposed for release because of illness.^d

28. *General development.*—The development of Port Blair has proceeded actively in various miscellaneous directions which can only be briefly noticed here. In 1901 the Government of India agreed to Colonel Temple's proposal to use coal instead of firewood as fuel in the settlement and to utilize the convict labour thereby saved in extracting an increased quantity of timber.^e The results have been very successful. They also sanctioned the construction, at the cost of half a lakh, of a steam tramway to carry firewood to the brick-kilns used in the construction of the new jail buildings. In 1902 and 1903 the construction of an additional launch for harbour work and the provision of new boilers for two others were approved; the purchase of a new boiler for a third launch was sanctioned in 1904. In 1902 the Superintendent was permitted to purchase one portable steam fire-pump and three fire-engines for purposes of fire protection. Subsequent experience showed that steam fire-engines were quite unsuited to the circumstances of the settlement, and they have accordingly been disposed of and will be replaced by six manual fire-engines.^f In 1901 the Government of India agreed to supplement the regular mail service by allowing the station steamer to proceed occasionally to Rangoon for mails: and they shortly afterwards took the opportunity of the expiry of the contract to arrange a better mail service at an annual cost of Rs. 1,30,000. Even these arrangements did not prove entirely satisfactory, and in July 1905 further

(a) H. D. letter no. 731, d. Nov. 20, 1903. (208.)

(b) { H. D. letter no. 399, d. Apr. 28, 1905.

{ H. D. letter no. 715, d. July 23, 1905.

{ H. D. letter no. 439, d. May 8, 1905.

{ H. D. letter no. 710, d. July 28, 1905.

(c) F. D. despatch no. 318, d. Sept. 21, 1905. (200.)

(d) H. D. letter no. 76, d. Feb. 7, 1903.

(e) H. D. letter no. 110, d. Feb. 17, 1902.

(f) H. D. telegram no. 860, d. June 23, 1905.

alterations were made in the programme of sailings of the Andamans mail steamer, so as to provide three mails to Rangoon and one to Calcutta in every six weeks and to give communication with Madras once in every three months instead of once in six weeks as heretofore.^a A greatly improved mail service was thus secured for the settlement. The complete isolation of Port Blair from the mainland, saving the connection afforded by the infrequent visits of a mail steamer, has always been a source of great public and personal inconvenience. But in 1905 this drawback was removed by the successful establishment of wireless telegraphy between the islands and the coast of Burma.^b The first message was transmitted on February 10, 1905, in the space of 19 minutes. This means of communication has just been thrown open to the public, subject to such conditions as are necessary to prevent unauthorised correspondence between the convict population and the outside world. A complete telephone service is also being established between the various stations in the settlement in lieu of the cumbrous and antiquated system of signal communication previously employed.^c The installation of electric light and fans in the Superintendent's house and office and the church at Port Blair has also been sanctioned;^d but the Government of India were compelled to disallow a proposal that the Superintendent's residence should be partly furnished at the State expense. It has been further arranged to fire a time-gun either once or twice a day to give the time correctly to the outlying portions of the settlement.^e In December 1904 an experienced officer of the Accounts Department was sent to Port Blair to overhaul and revise the system of accounts;^f and in March 1905 a deputy inspector of schools was deputed from Bengal to make proposals for the improvement of the schools in the settlement.^g In February 1905 the Agriculturists' Loans Act, 1884, was extended to the islands with the object of enabling advances to be made for the relief of distress or the purchase of seed and cattle; and certain simple rules regarding security and repayment were issued.^h

29. *Miscellaneous*.—A scheme for the supply of valuable birds from the Andaman Islands to the Zoological Gardens, London, through the agency of the Zoological Gardens in Calcutta, has, after much discussion with the late Superintendent, recently been put on a working basis. Early in 1903 the Government of India were approached by a syndicate who proposed to open communications with the Nicobar Islands and to develop a trade in timber, cocoanuts, and kopra. The syndicate asked for a temporary lease of Great Nicobar Island and for certain grants of land and timber. Their proposals were too vague to enable definite orders to be passed, but the Government intimated that, saving the rights of the natives in property and trade and the preservation of the forests, they would be prepared to consider a definite scheme in a liberal spirit. No lease, however, could be granted and no monopoly of trade. After further discussion the representative of the syndicate intimated that they did not wish to pursue the scheme. Another syndicate has since asked for a prospecting license for pearl and mother-o'-pearl fisheries off the Andaman and Nicobar Islands and this question is under consideration in the Department of Commerce and Industry.

(a) H. D. letter no. 621, d. July 1, 1905.
 (b) H. D. letter no. 251, d. Mar. 14, 1905.
 (c) H. D. letter no. 402, d. Apr. 25, 1905.
 (d) { H. D. letter no. 142, d. Feb. 11, 1905.
 (e) { H. D. letter no. 625, d. July 1, 1905.

(f) H. D. letter no. 405, d. July 16, 1904.
 (g) H. D. endt. no. 721, d. Dec. 12, 1904.
 (h) H. D. letter no. 318, d. Mar. 31, 1905.
 (i) H. D. letter no. 145, d. Feb. 13, 1905.

CHAPTER VI.

EDUCATIONAL.

1. *Introductory.*—The inception of the general scheme of educational reform which was initiated at the Simla Conference of 1901 has already been described in Part I of this summary. To that part the reader is also referred for an account of those completed portions of the undertaking which are marked by the passing of the Universities Act of 1904; the appointment of a Director General of Education; the grant of special assistance to local Governments and the public declaration of the broad lines of the Government's educational policy. The present chapter deals with matters of detail, many of which are of leading importance, but could not appropriately find place in a general review.

(a) PRIMARY EDUCATION.

2. *General.*—Special reports upon the state of primary education in each province were called for in October 1899, as a result of the Government of India's examination of Mr. Cotton's quinquennial review. The replies received were considered by the Simla Conference of 1901. The conference remarked that primary education, defined as the education of the masses in the vernacular, had hitherto received inadequate attention and support—a result attributable in the main to lack of funds. Schools were insufficient in numbers, and buildings squalid and unsuitable; teachers were ill-trained, and control was rendered ineffective by divergence of views. The Government of India agreed that elementary education was profoundly in need of reform, and that it should in future be recognised as a leading charge on provincial revenues. In addressing local Governments they examined the possibility of obtaining increased help from local bodies, but their conclusion was that assistance must in the main come from State funds. Local Governments have cordially concurred in desiring an extension of primary education, and liberal allotments for this purpose have been made out of the special grant of 40 lakhs assigned to provincial funds for educational improvements generally in 1902. The main objects of expenditure have been an increase in the number of schools, the improvement of their buildings and equipment, the raising of the pay of teachers, an increase in the number of normal schools and the provision of better teaching in them. The further special measure of assistance given in 1905 is noticed in para. 9 below.

3. *Control by local bodies.*—It was the opinion of the Simla Conference that primary schools under district boards should be placed as far as possible under the financial and general supervision of the educational department. The Government of India adopted this opinion, observing that where, as in Bombay, the control of the department was most complete, primary education was also most advanced. As other objects besides education have legitimate claims on local funds, it was impossible to give the department complete financial control, but they directed that the educational part of district boards' budgets shall in future be seen by the Inspector and the Director before sanction." This reform has been of great value in contributing to the provision of better teaching, buildings and equipment.

4. *Grants by results*.—The Government of India accepted the Conference's condemnation of the system, which in varying degrees was in force in most provinces, of giving grants to schools with reference to the results of examinations, as tending to the disorganization of finances and the encouragement of cramming. They directed that it should be replaced by a system of grants based on lists of attendance, buildings, local circumstances, teachers, nature of instruction, and outlay from various sources. Local Governments were invited to take these proposals into consideration in connection with the increase separately suggested in the inspecting agency. All of them have since strengthened their inspectorate to meet the demands upon it which the new system will make; and all, including eventually Burma, where for a time the old system was retained, have gradually abolished the practice of grants by results. In their place a variety of methods have been adopted. With this elasticity of system the Government of India have no wish to interfere. They are content to have abolished an arrangement, which has been tried and invariably discredited both in England and the colonies.

5. *Primary courses*.—The Conference proposed that kindergarten methods adapted to Indian ideas should be introduced in the lowest classes of elementary schools, elaborate and foreign forms and appliances being discarded, and the common articles of daily life being employed for object-lessons. All provinces have begun, or are preparing to use these methods, which the Government of India regard as well calculated to correct a very prevalent defect in Indian education, by discouraging excessive reliance on the memory and developing a capacity for reasoning from observation. The extension of systematised physical exercises in the native manner is also being encouraged.

6. *Rural primary schools*.—For the children of agriculturists who will ordinarily not attend school beyond the primary stage, it is of importance to provide simple courses of instruction designed to make them intelligent cultivators and to acquaint them with simple business transactions. Hitherto primary education has usually been so rudimentary that no room has been found for differentiation between the courses in rural and in urban schools: but reports received from local Governments in 1902 show that a beginning has been made in Bombay, the Central Provinces and the Punjab. In the Central Provinces a system of half-time schools has been successfully established which is worthy of imitation elsewhere. In several provinces improved elementary text-books on agricultural subjects have been adopted in rural schools: and elsewhere both in connection with primary schools and normal schools for teachers model gardens have been started where the boys and teachers are trained in practical observation of the facts and processes of husbandry.

7. *Schools on plantations*.—The attention of the Government of India has recently been directed by inquiries made both by the Ceylon Government and in the House of Commons to the question of the provision of facilities for the education of the children of labourers employed on plantations. The reports of the local Governments consulted showed that the majority of such children received no education and that few special facilities for their instruction existed. The Government of Bengal is engaged in making adequate arrangements so

far as that province is concerned, and the administration of Assam will give the matter further consideration, but proposes to defer action for another year. Meanwhile the Government of India have invited the attention of local Governments to the system of "lines-schools" which have been commended in connection with the education of immigrant Tamil cooly children employed on estates in Ceylon, and have called for statistics showing the number of children of school-going age on the plantations whether employed or not.

8. *Primary teachers.*—The pay of teachers in primary schools depends on local conditions and requirements, and the Government of India, without attempting to insist on uniformity, have been content to indicate their general opinion that the pay should be raised wherever practicable and to assist in providing the means for this reform (para. 9). The arrangements made for the training of primary teachers are described in para. 58. The question of providing for teachers after retirement has occasioned some separate discussion. Lord Elgin's Government in 1898 asked local Governments to consider whether it was necessary to improve the position of board and aided school teachers by making pensionary provision for them. On consideration of the replies Lord Curzon's Government decided that a pensionary or a provident fund scheme was unsuitable for general adoption: but suggested that the system of postal life insurance might be compulsorily applied to primary teachers in board or aided schools. This suggestion was not favourably received by local Governments and was not proceeded with. On further discussion of the question the Government of India agreed with the Government of the United Provinces that the system of a provident fund offered the best solution of the difficulty in the case of such teachers in those provinces as are the servants of local bodies, and proposals on these lines have been worked out and accepted. In Bengal also, where nearly all primary schools are aided, the local Government desired to institute a provident fund for teachers at an annual cost of $1\frac{1}{4}$ lakhs. The proposal was negatived by the Secretary of State who thought that an improvement in the teachers position would be better secured by enhancing the grants made to the schools¹. In Burma the service of certain itinerant teachers and municipal teachers has been made pensionable from 1904.²

9. *Special grants.*—So long, however, as primary education was left to share with other claimants the special allotments made to local Governments in 1902 for general educational needs there was at least some risk of its requirements being sacrificed to the louder calls and the more striking results of the higher branches of instruction. Lord Curzon's Government were determined that elementary education should not be overlooked, and profiting by the favourable finances of 1905 they gave a permanent annual grant of 35 lakhs to be devoted to this purpose alone. The allotment was distributed between provinces in proportion to the size of their school-going population, and local Governments were asked to submit an annual statement showing what use had been made of the provincial share. The main objects of expenditure have been indicated in para. 2. This subsidy will be the real starting point of an advance that ought not to be allowed to slacken: already thousands of new schools are opening their doors all over India: and in a few years time the results should be very noteworthy.

(a) H. D. letters nos. 208-16, d. June 14, 1901.

(b) Desp. no. 27 (Public), d. Jan. 29, 1904. (209)

(c) Desp. no. 42 (Pub.), d. Feb. 26, 1904.

(b) SECONDARY EDUCATION.

10. *General*.—The main defects which Lord Curzon's Government found in secondary education were similar to those already described as attending primary instruction. Schools received the privilege of recognition upon inadequate tests; and untrained teachers imparted a lifeless course of instruction to pupils who were subjected to an overwhelming pressure of examinations, with deleterious effects that reacted on the whole course of university education. Accommodation and equipment were deficient and the knowledge of the vernacular was being neglected in the pursuit of English for the sake of its commercial value. The first step was therefore to supply more competent instructors and the second step to provide more inspectors. The progress made in training teachers and strengthening the inspectorate is described hereafter (paras. 58 and 79). The reduction of the examination system is also noticed separately (para. 61). The next task was to reform the courses of study and the equipment of schools. This has been done by laying down sound tests for official recognition.

11. *Recognition*.—The Simla Conference recommended that only schools which complied with the conditions to be in future required by the universities for the purpose of admission to their examinations should be recognised by Government for the purposes of grants-in-aid and public examinations. After reference to local Governments the Government of India decided that the rules for university recognition and the lists of schools which the syndicates proposed to recognise should receive the sanction of the local Government. Provision was accordingly made in the Universities Act of 1904 and in the regulations made thereunder. No school will in future be allowed to send up pupils for the matriculation test until the department has certified that it conforms with the regulations made by the senate. These will ensure that the existence of the school supplies a positive want; that its financial stability is assured and its managing body properly constituted; that a proper standard of instruction is attained and due provision made for the health, recreation and discipline of pupils; that the character, number, and qualifications of the teachers are satisfactory; and that the fees are not so low as to involve injurious competition with other schools. The tests for recognition will thus be real, and the privileges of recognition material; and it is hoped that the practical effect will be to bring under inspection and to secure the efficiency of all secondary schools, whether public, private, or aided.

12. *Bifurcation*.—The next matter dealt with by the Conference of 1901 was that of the bifurcation of studies. The aim of Government has been to prevent the higher courses of study in secondary schools from becoming too literary in character, and to provide alternative courses of study to meet the needs of boys destined for commercial or industrial pursuits. In varying degrees local Governments have arranged for a bifurcation or even a trifurcation of the higher courses of study; but the realization of the end in view has been impeded by the comparative unpopularity of the school final examination on the one hand, and the want of sufficient provision for commercial and industrial education on the other. The action taken to remove these obstacles can best be described under separate headings.

13. *School final examination*.—Secondary education cannot be put entirely on right lines so long as it is in any degree directed towards an examination not

properly designed to test it and offering extraneous and meretricious attractions. The true interests of school education demand that the examination closing a course shall be adjusted to the tuition and not the tuition to the examination. The Simla Conference confined themselves to the opinion that the leaving examination which was instituted in several provinces on the recommendation of the Education Commission of 1882 should be distinct from the matriculation test, but that the universities should be empowered to accept the former as qualifying for admission to their courses. The Universities Commission agreed in this conclusion but went further. They declared that it was no business of the universities to conduct the school final examination, and that the universities would benefit if matriculation were no longer regarded as a qualification for Government service or for admission to a professional examination. Inquiry from the various provinces showed that there was great diversity of practice in the latter respect, but that the school leaving examination generally had not attained the success which had been hoped for it. The Government of India reserved opinion as to the direction in which reform should be attempted, but invited the advice of local Governments upon several specific points in regard to the examination.*

After careful consideration of their replies, the conclusions to which Lord Curzon's Government came were as follows:—While the matriculation test determines merely the mental equipment of a student for profiting by the higher course of study which he is about to begin, the school leaving examination has a wider scope; it purports to show that he has received a sound education in a recognised school, that he has borne a good character and that he has really learned what the school professes to have taught him. The one examination looks to purely academic requirements; the other to the more varied needs of the ordinary world. In so far as it deals with intellectual equipment the leaving examination may properly be accepted as a substitute for the matriculation test; but the latter being narrower in its aim and more restricted in its methods cannot properly take the place of the former. In pursuance of these principles it is proposed to instruct local Governments (1) that the school final examination should in future extend to the entire curricula of all high schools; (2) that the subjects of the examination should be settled, and its management mainly conducted, by the education department and not by the university; (3) that the universities should be induced, but not constrained, to accept the leaving examination in lieu of the matriculation test, and should, if they agree to do so, be invited to take a share in the management of the examination; (4) that the age limits and fees for the school final test should be the same as for matriculation, and that only candidates who have attended a recognised school for two years or *bonâ fide* private students should be allowed to appear; (5) that no publication of marks or of an order of merit, beyond distinction by classes, should be permitted, and (6) that the school final certificate, and in no circumstances the matriculation certificate, should in future be accepted as qualifying for Government service.

While the main lines have thus been settled of a reform which will probably be second to none in its effect upon higher school education, Lord Curzon's Government have thought it premature to insist on immediate action. They have preferred to wait until the feelings aroused by reform in university matters have further subsided; and until the new regulations of the universities have been finally settled, and the inspectorate strengthened in

provinces where it is still weak. There is no intention of abandoning the reform ; indeed in two provinces the main points in issue have been already gained ; and elsewhere advance is deferred only in order to enable it to proceed more smoothly later on. Much depends indeed on the choice of favourable means and seasons. It is not impossible that the institution of a school final examination on the lines above discussed may come to be demanded as a measure of relief for overburdened universities struggling with administrative work that does not properly concern them, instead of being contested as an invasion of their proper field.

14. *Commercial education.*—The Simla Conference observed that the need for a commercial training was most felt in large centres of business, and that its conduct and aim had hitherto been discrepant ; they advised that local Governments should be consulted upon its extension and upon the means of finding employment for passed pupils. In commending these observations to local Governments, the Government of India suggested that commerce might be included in the scope of the school final examination, or that the London Chamber of Commerce examination might be introduced. They favoured the former alternative for native, and the latter for European students.

The institution of faculties of commerce was considered premature by the Universities Commission, and in this opinion the Government of India agreed. There is therefore in India no university course of training of a specialized description for business men ; and in the field of secondary education the establishment of examinations and the inclusion of commercial subjects in the optional lists of subjects have outstripped the progress made in the actual organization of courses of instruction. Promising beginnings have however been made at Bombay, Lucknow, Calicut, Amritsar, and elsewhere, and increased attention is being given to the extension of such teaching in all large centres of commerce. In Calcutta the Government of India have provisionally sanctioned a scheme submitted by the Government of Bengal for the instruction of students at the Presidency College in two courses of commercial study, one being a complete day course and the other consisting of evening lectures on optional subjects. The Government of India have insisted that the instruction should be adapted to Indian needs, and should not be based merely upon English textbooks. The London Chamber of Commerce examinations supply a convenient test for those pupils (especially Europeans) who are likely to proceed to England. Commercial courses, leading up to this or other examinations, are now being placed upon an equality with purely literary courses as a qualification for Government service. But their chief aim will be to supply a practical training for students who seek to enter business houses. Registers will be kept of the pupils who have been so trained, and endeavours will be made to find employment for them in communication with Chambers of Commerce and mercantile firms. It is hoped to secure the co-operation of the mercantile community in framing suitable courses of instruction, and in giving preference in employment to qualified students.

(c) TECHNICAL EDUCATION.

15. *General.*—The whole question of practical and technical education throughout India was examined by Sir Edward Buck in a report submitted to the Government of India in April 1901. Many of his recommendations

required further examination and the Government of India reserved the question for consideration in all its branches at the Conference of 1901. Technical education, including both the theoretical study and the practical application of the scientific methods and principles of any craft, industry or profession, should, the Conference declared, be based on a simple preliminary education in such subjects as the three R's, drawing, and elementary science, which would be better commenced in ordinary schools. They recommended that efforts should be directed rather to instruction than to the development of trade, and that the educational staff should not undertake commercial enterprises. In their general review of the subject the Government of India agreed that existing institutions for training students in medicine, law, engineering, and the like were doing excellent work, and for the most part needed only further development on existing lines. What was mainly required was the extension of technical education in other directions.^a

The subsequent development of the discussion can most conveniently be pursued under separate headings. The present position is, broadly speaking, as follows :—Schools of art succeed in attracting students of respectable talent and do good work within a limited sphere. An attempt has recently been made to associate them in the practical improvement of indigenous designs. A scheme for the training of technical scholars in Europe and elsewhere has been initiated, and after somewhat doubtful beginnings promises to be very successful. Particular technical institutes or colleges which derive their impulse from personal or local enthusiasm are springing up in various provinces. But the main problem of providing a general scheme of industrial schools throughout India remains after much discussion still in the stage of experiment and speculation. In some places well considered schemes have been advanced ; and elsewhere little or nothing has been done. The general aim is clear and the general desire sincere and strong ; but even the principles on which a successful system should rest are still somewhat uncertain and fluctuating. Industrial education in India can indeed only grow by the example of successful experiments and not by the multiplication of failures, and the Government of Lord Curzon have been content to build only where they believe they have found a substantial foundation and to concentrate their resources where they will be well applied rather than to dissipate them where they would probably be wasted.

16. *Schools of art.*—There are four schools of art in British India,—at Madras, Bombay, Calcutta and Lahore. The aims and methods of these schools have been fully examined by Lord Curzon's Government who agreed with the Conference in defining their true function to be the promotion of Indian arts or art industries. Pupils should learn only such arts or trades as they intended to practise : expansion should be sought through technical improvements, but competition with private enterprise should be avoided : workmen should be registered on their leaving : the arts and industries taught should be specialised rather than multiplied : and fees should generally be charged. Local Governments were called upon to modify existing schools in accordance with these principles^b—and on receipt of their replies the Government of India issued further instructions in their general resolution of March 1904.

In August 1904 the Bengal Government proposed to raise the pay of the vice-principalship of the Calcutta school and to include the post in the Indian

(a) H. D. letters nos. 591—593, d. Nov. 20, 1901. (53.)

(b) H. D. letters nos. 375—378, d. June 17, 1903.

Educational Service. But the Government of India thought that the expenditure was not justified, and in the event a qualified native candidate was secured for the post. The Punjab Government has recently made similar proposals: but the view of Lord Curzon's Government is that the art schools of this country should be capable of producing candidates qualified for the vice-principalship.

17. *Art pattern books*.—At the suggestion of the Assistant Director of the Art Exhibition held at Delhi in 1903 in connection with the Coronation Durbar, the Government of India asked local Governments to advise them on the practicability of compiling series of standard pattern books for the principal art industries. They did not overlook the risk that such a step might have the effect of stereotyping patterns and discouraging invention, but they thought the idea a sufficiently promising one to deserve further examination. On the whole, though doubts have found expression, local Governments have accepted the proposal as likely to be of advantage to Indian arts, and the Government of India have decided to proceed with the scheme. Standard books will accordingly be prepared either by the students in the arts schools, or by trained draftsmen; patterns of western origin will be excluded from the collections; and the first industries to be selected for the purposes of the experiment will be those which have been already surveyed in existing industrial monographs or otherwise.^a

18. *Industrial schools*.—The Simla Conference advised that industrial schools should be devised to encourage particular local industries or trades; that the best type is the local trade or crafts school; that these should be educational and not commercial institutions; that in country districts they should be devoted to the study and development of single indigenous products; that in towns they should deal with manufactures, and that several industries may there be collected in one building; that only those pupils should be admitted to a school who intend to practise the trade taught in it; that fees should generally be levied and that grants-in-aid should be given to assist craft schools established by private agency with the object of developing local industries. To assist in working out a practical scheme on these lines the Government of India appointed a small committee under the presidency of Colonel Clibborn, C.I.E., late Principal of the Rurki Engineering College.^b Their report reached the Government of India in July 1903. In several respects it was disappointing. Ignoring the principles which had been presented to the committee as a basis for discussion, it proposed to organize industrial schools in India on the model of the Casanova school in Naples. It provided for no separation of general and technical instruction: it depreciated instruction in the principles underlying practical processes: it made commercial profit a test of success: and finally it propounded for the school an organization which was unsuited for general adoption in India. The value of the report thus consisted less in the constructive proposals which it made than in the information which it had collected regarding existing industries. In their letter to local Governments of September 30, 1903, and their subsequent resolution of January 14, 1904, the Government of India reviewed the position anew.^c They indicated the lines on which tentative endeavour should be made, both in large industrial centres and in respect of local handicrafts, to organize industrial

(a) *H. D. resn. nos. 423—431, d. June 29, 1905.* (210.)

(b) *H. D. letters nos. 570—576, d. Dec. 4, 1901.* (211.)

(c) *H. D. resn. no. 31, d. Jan. 14, 1904.* (212.)

schools ; they emphasized the need of enlisting the aid of private effort and caste organizations, of avoiding clerical training, of giving assistance with scholarships and of providing efficient inspection ; and they called on local Governments to propound practical schemes upon these lines on behalf of special industries.

The discussion has been of value in stimulating interest widely in the subject even if it cannot be said to have everywhere produced practical proposals. The Madras Government suggested the appointment of a special officer, to be called Director of Technical Education, whose duty it should be to initiate new developments in industry. The Bombay Government put forward a complete scheme for instituting new schools and reforming existing ones and providing for their inspection and for the training of students. The Bengal Government proposed to start a weaving school at Serampore, and the Central Provinces Administration thought that a central school for wood-work, metal-work and weaving should be instituted at Nagpur. Rejecting the Madras scheme as lying outside the subject in hand the Government of India decided to approve of the other projects. But they also thought that some provision in the United Provinces should be made to promote the training of men to take charge of machinery, the use of which was rapidly extending in small factories and elsewhere throughout the province. Proposals had been received from the local Government for a large development of the Thomason College, Rurki. Part of the scheme appeared to the Government of India to fall properly within their present intention ; and accordingly they propose with the Secretary of State's sanction to allot a recurring grant of 2½ lakhs for industrial education between the four provinces for expenditure on the objects indicated.

19. *Agricultural education*.—The Conference observed that agricultural colleges had been organized on a theoretical rather than a utilitarian basis and directed more to the training of subordinate revenue officials than to the practical instruction of the agricultural classes : they thought that the interests of both classes might be served by combining institutions for theoretical instruction with experimental farms. The Government of India agreed that endeavour should be mainly directed to providing instruction for students of the land-holding class. For this reason they thought that instruction should be given in the vernacular, and they were inclined to deprecate the institution of agricultural colleges affiliated to the university. The creation of such an institution at Cawnpore was indeed strongly advocated by the United Provinces Government.^a But meanwhile a project for an imperial agricultural college at Pusa had been initiated in the Department of Revenue and Agriculture, and the Government of India decided not to proceed with the Cawnpore scheme until it should be shown that the Pusa college would not serve the purposes for which the former was designed.^b The subsequent history of the subject—comprising the foundation of the Pusa College and the decision to provide agricultural colleges in all provinces leading up to a post-graduate course at the former—belongs not to the present narrative, but to the Revenue Department summary of Lord Curzon's administration.

20. *Technical scholarships*.—The examination of the subject of technical education by the Conference of 1901 culminated in a proposal that State scholarships should be offered for higher technical study in Europe or America. In consultation with local Governments, the Government of India decided on the

(a) U. P. letter no. 134, d. Mar. 4, 1902.
(b) H. D. letter no. 417, d. July 7, 1903.

details of a scheme.^a Law, medicine, forestry, veterinary science, and engineering were excluded from its scope as already being sufficiently provided for: but other subjects of study were in no way restricted. The amount of the scholarships was provisionally fixed at £150 a year. In communicating the Secretary of State's assent to local Governments, the Government of India suggested that the textile industry in Bombay and the mining industry in Bengal might furnish favourable fields for the initiation of the experiment.^b Adopting these suggestions the Government of Bengal put forward the names of four candidates for scholarships in mining, and the Government of Bombay selected three candidates for scholarships for the study of weaving. These nominations were approved by the Government of India. Another scholarship or mining has been given to a candidate from Bombay, and another to a candidate from the Central Provinces. No suitable nominees have hitherto been forthcoming from other provinces; but a satisfactory beginning has been made and in future there is likely to be no lack either of candidates or subjects.

21. *Proposed Indian Institute of Science.*—In March 1899 a scheme for the creation of a teaching university of science was laid before the Government of India. It owed its origin to the munificence of Mr. J. N. Tata who proposed to vest in trustees property in Bombay of the value of 30 lakhs in order that the income of $1\frac{1}{2}$ lakhs might be applied to the endowment of the university. The Government of India received the scheme with cordiality, but finding that it involved the management by the institute of a total property of 60 lakhs, half the income of which was to be devoted to Mr. Tata's relatives, they were obliged to intimate that they could not entertain the idea of combining with the institution of a university the creation of a family settlement in perpetuity. In this decision Mr. Tata acquiesced, though subsequent attempts to re-open the question were ineffectually made on his behalf. In September 1899 the scheme was considered in a conference at Simla, and the Government of Bombay were asked to arrange for the transfer of the endowment property.^c The provisional committee representing Mr. Tata invited Sir W. Ramsay to India to advise upon matters of detail. The initial difficulties in the way (which had indeed been pointed out by Lord Curzon to a deputation which addressed him on his arrival in India) were that qualified students might not be found forthcoming and that employment might not be found for them when trained. Impressed by these difficulties Sir W. Ramsay suggested that liberal scholarships should be given, and that the experimental starting of new industries should be attempted. He recommended also that Government should give a grant of Rs. 50,000 a year for ten years. The provisional committee adopted these proposals as a 'minimum' programme: they asked for a perpetual grant of £5,000 per annum, and a guarantee that scientific and educational posts would be opened to fellows of the new university. The Government of India, deeming it impossible to associate themselves so closely with a private benefaction of experimental character as to become entirely responsible for its success, were not able to accept Sir W. Ramsay's scheme. They arranged however that Professor Masson and Colonel Clibborn should be deputed to advise anew. The report of these gentlemen proposed to create an institute of experimental science and research, consisting of three schools of chemistry, physics and biology and providing for the training of forty-five students. They recommended that it should be built at Rurki; but the favourable terms offered by the Mysore Government led to the decision to locate it at Bangalore. In February 1902

(a) *H. D. desp. no. 8, d. Oct. 9, 1902.* (213.)

(b) *Desp. no. 65 (Public), d. May 29, 1903.* (214.)

(c) *H. D. resn. no. 521, d. Nov. 17, 1899.*

the Government of India accepted the provisional committee's views regarding the site, the title, and the constitution of the university: and by July 1902 the Mysore Government further agreed to cede a site, and to make an annual grant of £2,000 for ten years. The final estimates provided for an initial outlay of 6·5 lakhs, and a recurring charge of 1·5 or 1·65 lakhs. To meet the former the Durbar offered a grant of 5 lakhs: while towards the latter the Tata properties provided an income of $1\frac{1}{4}$ lakhs, and the Government of India and the Government of Mysore each promised a subsidy of Rs. 30,000 for ten years. Finally, the Government of India offered to make a further grant of one lakh towards the capital cost and to enhance their annual contribution so as to make up with the Mysore subsidy one-third of the current expenditure subject to a maximum of £5,000. Financial difficulties being thus removed, it remained to ascertain the value of the properties to be made over. Mr. Tata considered that the local officers had undervalued these, and the Government of India in their turn could not accept his proposals for the assessment and temporary vesting of the property. In May 1903 the Government of India observing that unreasonable suggestions had been made that they were disposed to thwart the scheme, reviewed the whole of the negotiations in an exhaustive letter, and exposed the real causes to which the successive delays were due.^a They consulted the Bombay Government upon the manner in which the properties should be administered, and suggested that the Governor in Council should appoint an arbitrator to settle the difference of opinion which had arisen with reference to the value of the property: and that when this had been done Mr. Tata should make an application under the Charitable Endowments Act assigning for the purposes of the trust properties representing a net income of $1\frac{1}{4}$ lakhs. While the Bombay Government were still arranging for the valuation and management of the property, Mr. J. N. Tata died in May 1904, and some time elapsed before his sons were in a position to renew the negotiations. Messrs. D. J. and R. N. Tata recurred to proposals which had been set aside at an earlier stage as inadmissible; and in February 1905 after further discussion and correspondence Lord Curzon's Government for a second time found it necessary to review the position at length. So far as the properties were concerned all difficulties had been removed; they had been estimated by experts to produce the necessary income; a guarantee fund had been provided; and a satisfactory scheme of management had been devised by the Government of Bombay. The Government of India now offered to increase their contribution to Rs. 77,500, an amount equal to half the available assets, and to raise this sum in proportion to any increase otherwise attained, to a maximum of $1\frac{1}{2}$ lakhs. Towards the initial expenditure the Government of India now promised a contribution of $2\frac{1}{2}$ lakhs. They considered that it was undesirable to tie the hands of the governing body by statutory provisions, and fortified by the opinion of the Advocate General, they proposed to settle the questions of the constitution and administration of the institute by a scheme framed under the Charitable Endowments Act, which should provide for the formation of a single council, under the patronage of His Excellency the Viceroy, exercising its functions through the agency of three committees charged respectively with the management of the endowment, the executive administration of the institute and the settlement of general questions which might from time to time arise. The Messrs. Tata were invited to frame an appli-

cation and to submit a scheme on these lines." They have been advised however that it is doubtful whether full provision can be made for the working of the institute without recourse to legislation, and have raised certain questions of a legal character on which the further opinion of the Advocate General is being obtained.

22. *Technical institute, Nagpur.*—An important scheme for the improvement of scientific, agricultural, and industrial education in the Central Provinces has recently been sanctioned by the Secretary of State. It originated in the decision of the provincial committee of the Queen Victoria Memorial Fund to devote a portion of the subscriptions received to the establishment at Nagpur of a technical institute which should be made a centre of agricultural and industrial progress for the province. As the funds collected, however, were not sufficient to achieve this object fully the Government of India on the recommendation of the Chief Commissioner determined to associate Government with the scheme. It is intended that the institute, which is now under construction, shall contain accommodation for certain Government offices and also class rooms for students in the Nagpur agricultural school, and that it shall be provided with a well-equipped physical and chemical laboratory in which instruction in science will be provided for the more advanced classes of the local colleges. The remainder of the building will be utilized as a museum, library and board-room under the control of the society administering the funds collected. The Government of India supported the proposal that two Government officers—one an agricultural chemist and one a professor of physics and chemistry in the Indian Educational Service—should be recruited from England for the institution. The services of the former will be of great benefit not only to the agricultural school, but also to provincial agriculture generally: while the unusual measure of assistance involved in the proposed appointment of a professor at Government expense can, the Government of India think, be justified in this instance on the ground of the imperative need which exists for improving the teaching of science in the colleges at the head-quarters of the province.^b

23. *Industrial school, Amraoti.*—The Berar committee of the Victoria Memorial Fund also desired to perpetuate the memory of the late Queen-Emress by the establishment of a technical institution at Amraoti. It was settled to provide a school of mechanical engineering which would, it was hoped, eventually develop into a college. The Chief Commissioner proposed that Government should assist in the scheme by giving a building grant of Rs. 30,000 and a maintenance grant of Rs. 10,000. The Government of India thought the proposals in some respects unsuitable, and the scheme was further explained by the Chief Commissioner. In the event the proposals were sanctioned, the managing committee of the school being formally registered under Act XXI of 1860. It is intended that the new institute shall train mechanical engineers for employment in the numerous cotton ginning and pressing factories of Berar, and it is hoped that a practical stimulus will thus be given to industrial education in a backward province.

(d) EUROPEAN EDUCATION.

24. *Revised Code.*—As explained in Part I, the question of European education in India was referred for consideration to a Committee of Directors of Public Instruction at Simla in October 1901. The Directors' first recommendation was that the education of Europeans and Eurasians should be regulated by special

(a) H. D. letter no. 156, d. Feb. 23, 1905. (216)

(b) F. D. despatch no. 203, d. June 8, 1905. (217)

uniform rules throughout India. The Government of India accepted this recommendation: they thought that, as the first step towards carrying it into effect, the existing Code which regulated European education throughout the Bengal presidency might be taken as a basis for discussion and suitably revised by an expert committee. For this purpose they appointed a small committee of educational officers in March 1902.^a The committee's proposals were examined and were placed before local Governments for criticism in July 1903. The opinions received were then carefully considered in connection with the report of the committee which met in 1904 to deal with the condition of the European hill schools; and the Code was eventually issued to local Governments in August 1905 for adoption in all provinces. The details of the re-drafted code will more conveniently be dealt with under the sub-headings which follow.

25. *State contributions*.—Though the Committee of Directors found that there was no basis for the suggestion that Government had contributed inadequately to European education, they proposed that scholarships should be provided to assist European and Eurasian students to study in arts and other colleges. The revising committee not only adopted this suggestion but proposed that provincial scholarships of £200 a year should also be given for study in England. This suggestion was on the whole favourably received by local Governments. The Government of Lord Curzon have reserved their opinion until the more pressing questions in connection with European education should be settled; but it is their intention to propose to the Secretary of State the grant of two such scholarships annually, with the idea of thus bringing an English university education within the means of the best European scholars in India.

26. *State schools*.—The Directors recommended that the Bengal Code, which assumed that Government assistance would take the shape of grants to private schools, and no other form, should be amended so as to provide for the establishment of schools by Government in cases where private effort was unequal to the task. The revising committee were disposed to leave the question to be dealt with by means of boarding grants, but the Government of India left it open to local Governments to establish State schools in exceptional cases where they were satisfied that such a step was necessary.

27. *Inspection*.—The Committee of Directors advised that European education should be placed in the charge of a special inspector in each province. The proposal was cordially adopted by Lord Curzon's Government and accepted by all the local Governments. It has since been carried everywhere into effect, European schools in Bombay and the Central Provinces being, as an exception to the general rule, placed jointly under the control of one inspector.

28. *Examinations*.—Adopting the advice of the Directors, the Government of India decided that the Bengal scheme of examinations in European schools should be reduced and simplified. They decided that progress from class to class should be regulated by inspection only: they abolished the primary examination save for scholarship purposes: and they left the middle and high school examinations to serve only as leaving tests for students who are not proceeding further and as scholarship tests for those who are. The revision committee proposed that the middle and high school examinations should be made uniform throughout India, but this suggestion was set aside by the Government of India, as likely to be attended with serious practical difficulties. It may,

however, be possible to arrange that the form of certificate granted for the high school examination shall everywhere be uniform.

29. *Scholarships*.—The Directors pronounced the existing allotment of scholarships for Europeans in primary and secondary classes to be generally inadequate. The revised code accordingly provides for a graduated scale of scholarships of Rs. 8, 12, 20, 30 and 40 a month, of a number to be fixed by the provincial Government. This decision will, it is hoped, make ample provision for the encouragement of capable scholars pecuniarily in need of assistance.

30. *Grants-in-aid* —With the object of improving the quality of the instruction given in European schools, the Government of India, on the advice of the Directors, proposed to institute salary grants payable in respect of duly qualified and registered teachers and to prescribe stringent conditions for registration. For the ordinary grant, which had hitherto been based on the attendance, the revising committee proposed to substitute a grant based on the difference between income and expenditure. But on this recommendation Lord Curzon's Government reserved opinion and inquired whether local Governments would prefer a system of maintenance grants based on the needs of typical schools. The replies showed conclusively that the scheme of grants proposed by the committee would not answer, as the cost of putting it into practice was in itself prohibitive. The Government of India accordingly decided to maintain a system of grants based on attendance, but assessed at rates higher by ten per cent. than previously. This will give a tangible benefit to all schools alike. In Burma, however, the system of grants for maintenance which was locally regarded as satisfactory was retained. In addition provision has been made for supplementary grants to be given where the ordinary grants are insufficient for the efficient maintenance of the schools. In assessing these, due regard will be paid to the improvement of the quality and pay of the teaching staff, and care will be taken to prevent such grants being applied to the reduction of fees or of voluntary contributions. By these means the Government of India hope that the object with which the system of salary grants was proposed may be obtained, and that a general improvement in the teaching may be secured.

31. *Teachers*.—It has been clearly perceived that one of the most pressing needs of European education in India is an improvement in the quality of the instructional staff. The rates of fees charged are of course determined ultimately by the income of the parents, and thus the majority of the schools cannot afford to offer rates of pay which will attract teachers of high standing. In the first place, the Government of Lord Curzon hope that improvement will follow from the increased grants which the schools will receive, and in the apportionment of which the quality of the staff of teachers will be specially considered. The Government however examined carefully the advisability of including in the draft Code a standard scale of salaries to which the departments might, in administering grants, urge the school managers to approximate; but the suggestion was abandoned as impracticable. The committee which revised the Code proposed to institute in each province a register of all qualified teachers: and this suggestion has been approved and carried into effect and unqualified teachers are being encouraged to qualify for entry in the registers. The offer of recognition by the English Board of Education will also afford a valuable stimulus to the teaching staff. Proposals for the institution of a provident fund, either for European teachers throughout India or for those in northern India only are also under the consideration of Government.

32. *Training college*.—Agreeing with the Directors' opinion that arrangements for the training of European teachers were desultory and inadequate, the Government of India consulted the United Provinces Government upon the question of establishing a central training college at Allahabad, which should accommodate twenty-five students from all provinces. Other local Governments were not asked to contribute save by sending students there and by providing them with stipends sufficient to cover the fees.* Most local Governments were in favour of the scheme. The committee which dealt with the European Code reported, however, that a hill station would in many ways be preferable to Allahabad as a site for the college. This suggestion was endorsed by the later committee which considered the condition of European hill schools (para. 37), and it is now proposed to institute a training class for European teachers tentatively at Sanawar, where the Punjab Government has offered to provide accommodation. If a first-class European school should hereafter be established at Mussoorie, the training college might, it is thought, be attached to it with advantage.

33. *Competition between schools*.—One form of mischief from which many European schools, like schools of other kinds in India, have suffered has been an illegitimate competition for scholars by lowering fees. Steps have been taken in the revised code to empower the inspectorate to correct this tendency. In the last resort unfair competition can be penalised by withdrawing the privileges of recognition; but without proceeding to this extremity inspectors have been placed in a position to exercise control by noting the extent of, and the sufficiency of reasons for, the reductions of fees granted, and by investigating cases of complaint.

34. *Curriculum*.—The revisional committee of 1902 made several changes in the draft curriculum provided by the Code. But more light was thrown upon this question by the investigations of the committee of 1903-04 which reported on the condition of the hill schools in northern India; and the criticisms which they expressed upon the diffuse and ill-directed courses of study which in practice they found to be pursued led the Government of India in putting forward the revised code in 1905, to refrain from any expression of satisfaction with the somewhat loose curriculum of which it permitted. On the contrary, they desired local Governments to consider the question of consolidating the courses with a view to eliminating subjects which have small educational value, or which cannot be properly taught without an equipment beyond the means of most European schools in India.

35. *Vernaculars*.—A question not referred to by the Directors but raised by the Government of India of their own motion was concerned with the omission under the system which was in force up to 1901 to provide for the efficient teaching of the vernacular in European schools. As the large majority of boys attending these schools expect to earn their living in India either in Government service or commercial or other occupations, it is of the first importance that they should be thoroughly conversant with the colloquial language of the country. The committee of revision made good the defect by providing that instruction in the vernacular shall be included as an optional subject in the upper classes. Inspectors will be directed to press for such instruction as a condition of a grant-in-aid wherever circumstances allow. Some authorities, however, are of opinion that instruction in the vernacular should be compulsory in all boys' schools. This question will be settled when the curriculum is finally determined.

36. *Maintenance of Code.*—Though the Government of India regarded the revised draft as a great improvement upon the previous Code, they recognised that further changes would inevitably be entailed by various developments in European schools. They proposed at first to arrange for the regular review of its working at triennial conferences of inspectors. But it was eventually settled that periodical revision was unnecessary and that the amendment of the code might safely be left until experience showed the necessity of undertaking it.

37. *European hill schools.*—In the foregoing paragraphs have been described the various decisions at which the Government of India arrived as a result of the discussion of European education generally throughout India which was initiated at the Conference of 1901. But the circumstances of a particular class of European schools—those situated in hill stations, which generally speaking aim at a higher organisation than schools in the plains and attract a superior class of boys—soon called for the special consideration of Government.

In March 1902 the governors of St. Paul's School, Darjeeling, an institution which aims at educating European and Eurasian boys on the lines of an English public school, applied for an annual subsidy of Rs. 35,000 to assist them in their financial difficulties. This sum was out of all proportion to the total expenditure on European education in Bengal and Lord Curzon's Government refused the request.^a Later on the governors again reported that without assistance from the State their experiment must fail: they asked accordingly for a temporary grant of Rs. 20,000 for three years only. The Government of India decided that this subvention might reasonably be given and arranged with the Bengal Government accordingly.^b In August 1903 the Lieutenant-Governor recommended that Government should take over the entire management of the school.^c The proposal was rejected after careful deliberation. The denominational character of the school and the specialised form of instruction given were difficult to reconcile with the principles on which the State in India undertook the management of European schools; and the financial and administrative arrangements proposed by the governing body involved wide departures from accepted principles and were in themselves by no means advantageous. Lord Curzon's Government decided that the experiment of temporary assistance should be fairly tried before further arrangements were considered.^d

The circumstances of St. Paul's School, however, presented only one instance in which the attention of Government was called to the financial instability of the European hill schools in northern India. Repeated applications for extraordinary assistance showed that only too often the principles of sound management had been disregarded: debts had been contracted to a crippling amount: sites and buildings had been mortgaged and the interest met from an already indebted current account: and in some instances at least the terms of endowment trusts had been flagrantly disregarded. Anxious as the Government of India were to place the schools on a firm basis, they were compelled before taking action to ascertain exactly the causes of, and remedies for, their present difficulties. They arranged accordingly for the investigation of the whole question by an informal committee consisting of the three provincial Directors and the Director General.^e During the cold weather of 1903-04 the Committee visited the various hill stations and conferred with persons interested. Their report was not received, however, until the end of 1904. The

(a) H. D. letter no. 227, d. June 18, 1902:
(b) H. D. letter no. 788, d. Aug. 29, 1902.

(c) Bengal letter no. 2142, d. Aug. 14, 1903:
(d) H. D. letter no. 53, d. Jan. 28, 1904. (218)
(e) H. D. letters nos. 574-576, d. Sep. 3, 1903. (219)

Committee found that among hill schools the institutions under the management of the Church of England were specially embarrassed. Their condition was due to various causes—lax administration of the endowment funds, executive mismanagement, the increasing accessibility of schools in England, the fall in exchange, changes in the public service rules, and competition between schools—but primarily and essentially to the break-down in practice of the theory of private effort on which rested the grant-in-aid system. The schools have had in consequence no resources to fall back upon and have escaped collapse only by living on their capital, by borrowing, by obtaining occasional extraordinary help from Government and above all by reducing expenses beyond the minimum required for efficiency. The Committee recommended that as a matter of public policy the Government should now step in and enable the schools to provide a suitable standard of education. Incidentally various questions of general interest were discussed in the report. It was shown that the class of boys for whom the schools provide can still count on a sufficiency of employment; but that the heterogeneous nature of examinations for special departments of the public service embarrassed and distracted the teaching in the schools. Lord Curzon's Government recognised the importance of this point but thought it premature to attempt any consolidation of the various tests until the questions of a school final examination and the high school curriculum had been settled (paras. 13 and 34). Further the Committee found that the existing curriculum was diffuse and unprofitable, and recommended a model course consisting of English, Latin, mathematics, history and geography and Urdu, or instead of the two first subjects, science with a less advanced course in English and Latin. These suggestions though directed primarily to the particular type of hill schools visited by the Committee were utilized by the Government of India in the settlement of the general code. Coming to the question of teachers the Committee indicated the strength of staff and the rates of salary which they deemed to be required; they recommended the institution of a provident fund; and they proposed that reasonable security of tenure should be guaranteed. The questions of restrictions upon the reduction of fees, and the supervision of audit and accounts were also discussed; and in settling the code the Government of India adopted the recommendations made on these points. Finally the Committee showed that little could be done to concentrate existing schools or to combine their resources and concluded by proposing extraordinary measures of assistance for the three schools which were most nearly in extremities.

(a) *St. Paul's, Darjeeling*.—The circumstances of the Church of England school at Darjeeling have been already described. For this school the Committee recommended an initial grant of Rs. 1,08,000 and a recurring grant of Rs. 20,000. They proposed that the Anglican school of St. James, Calcutta, should be closed and the proceeds of the sale of the property diverted to the rehabilitation of the Darjeeling school. The Lieutenant-Governor of Bengal had meanwhile made proposals designed to the same end, but differing in points of detail. The Government of India have therefore remanded the question for further consideration in the light of the Committee's report.

(b) *Bishop Cotton School, Simla*.—This institution, also managed by the Church of England authorities, was embarrassed only to a less extent. The trust property had been dissipated in the attempt to meet current expenses and the school was heavily in debt. In a speech delivered at the prize distribution of September 17, 1903, Lord Curzon expressed his sympathy with the cause for which the managers were struggling and encouraged them to hope for better things. The Committee of 1904 advised that an initial grant of Rs.

40,000 and a recurring grant of Rs. 12,000 should be given. While their report was still before Government, however, the school was destroyed by fire in May 1905, and the Punjab Government liberally undertook to rebuild and furnish it and to pay off its debts, on condition that the terms of management were radically revised so as to secure to the Government sufficient powers of control and to prevent such disorganization as had occurred in the past.

(c) *Diocesan School, Naini Tal*.—The third institution in need of special help was the Diocesan school, Naini Tal, which had contended with a series of extraneous misfortunes for some years. The Committee suggested an initial grant to the school of Rs. 42,000 and a recurring subsidy of Rs. 10,000, on condition that the funds made available by the closure of the Mussoorie school were transferred to it. Meanwhile the local Government had applied for a grant of 1·4 lakhs with the object of affording assistance to the Diocesan School and other institutions, and the Government of India have asked it to consider the matter further in connection with the Committee's report.

Although Lord Curzon's Government have thus not yet been enabled to dispose finally of the case of the European hill schools which are in need of help, they have practically accepted the Committee's view that an extraordinary measure of assistance must be given. The question is in fact one for decision rather on the practical ground of expediency than with reference to theoretical principles of equality of the treatment. Without special assistance the Church of England schools in northern India must either degenerate or disappear. It has been decided that this consequence is politically so undesirable as to justify Government in coming to their help. No more practical illustration could be given of the willingness which the present administration has shown to protect the interests of the domiciled English and Eurasian community.

38. *Special grants*.—The Government of Lord Curzon have from the outset recognised that if European education in India is to be placed on a satisfactory footing, provincial revenues must be assisted in bearing the cost. They have accepted this obligation in respect of other branches of education, and they recognised a similar responsibility in regard to European schools. It has been their intention, therefore, to allot a recurring grant of five lakhs per annum for the purpose equally between the claims of European and of technical education (para. 18 above). To this intention they propose to adhere; but the Secretary of State has recently intimated that no further assignments to provincial funds for educational purposes may be made without his previous approval; and a further reference to His Majesty's Government will therefore be necessary before grants can be actually made to the local Governments.

39. *Cambridge local examinations*.—In February 1900 the Anglo-Indian Association, as representing the interests of the Eurasian and domiciled European community, recommended that the Cambridge local examination should be held in India and recognised as the equivalent of existing tests. The Association was primarily actuated by the hope that employers in India would be found more ready to give occupation to applicants who could show an English qualification.^a The suggestion was commended by Bishop Welldon who wrote a valuable memorandum emphatically condemning the manner in which examinations were then conducted in European schools in Bengal. But the replies of local Governments who were consulted upon the question of introducing the Cambridge test showed such diversity of opinions as to its standard of difficulty in

(a) Bishop's Chaplain's letter no. 303, d. Feb. 17, 1900.

relation to the provincial sequence of examinations that the Government of India decided to refer the matter further to a committee of the Directors in September 1901. Adopting the conclusions arrived at by this committee, the Government of India resolved that it was very expedient to provide that European boys educated in Indian schools should be enabled to appear at examinations recognised at home : that for this purpose local Governments should encourage the holding of the Cambridge senior local or the London Chamber of Commerce senior commercial examination, wherever there was a local demand for either, and that European schools should be allowed to prepare boys for them, with the sanction of the inspector : that the universities should be invited to recognise the courses as equivalent to the school final examination : and that a certificate of success in either of the two English examinations or in the high school examination should be treated as qualifying for Government employment subject to such further tests in the vernacular as might be necessary.^a

40. *Board of Education certificates and recognition.*—In 1902 the English Board of Education agreed to recognise a period of eighteen months' approved service in elementary schools in India as qualifying certificated teachers under the English Code to receive their parchment certificates on the recommendation of a Government inspector.^b In 1903 the Board further intimated their willingness to entertain applications for the recognition of European secondary schools for the purpose of enabling teachers to qualify for admission to the register maintained by the Teachers' Registration Council.^c The proposal was welcomed by the Government of India as likely to promote the efficiency of European schools, and eligible schools have been encouraged to apply for recognition. Several have since successfully done so.

(e) COLLEGIATE EDUCATION.

41. *General.*—The main question of university and collegiate reform, which originated with the Simla Conference of 1901, was matured by the Universities Commission of 1902 and culminated in the passing of the Indian Universities Act of 1904 has been described in Part I of the present summary with sufficient fulness to render it unnecessary to traverse the same ground again. This section will therefore deal in the first place with the various stages in the scheme of reform, subsequent to the passing of the Act, which have only been briefly mentioned in Part I, and thereafter with a few matters unconnected, or only indirectly connected, with the changes initiated in September 1901.

42. *Territorial limits of universities.*—The first obligation which the passing of the Indian Universities Act, 1904, imposed on the Governor General in Council, was the duty of defining the territorial limits within which, and of specifying the colleges in respect of which, any powers conferred by the law on the universities and local Governments should be exercised. It was decided that the provinces of Bengal, Burma and Assam should be allotted to the University of Calcutta, the Madras presidency with Coorg, the Hyderabad, and Mysore states and Ceylon to the University of Madras ; the Bombay presidency with the province of Sind and the native state of Baroda to the University of Bombay ; the United Provinces of Agra and Oudh, the Central Provinces, Ajmer-Merwara, and the native states in the Rajputana and Central India agencies to the University of Allahabad, and the Punjab, the North-West

(a) H. D. letters nos. 534-542, d. Nov. 27, 1901.

(b) *Desp. no. 57 (Pub.)*, d. June 20, 1902, (226)

(c) Board's letter-nos. 1013, d. June 8, 1903.

Frontier Province, Baluchistan and Kashmir to the University of the Punjab. But in order to obviate any hardship to students who had been preparing for the examinations of a university with which under the foregoing orders they would have no further connection, the Government of India agreed to maintain the concurrent jurisdiction of universities in respect of schools and colleges outside their new jurisdiction as above defined up to the year 1906. They were not, however, prepared to accede to the request of certain schools in Simla, that they should be permitted to remain permanently affiliated to the Calcutta University.

43. *Senates and syndicates.*—The next step was to arrange that the new university authorities should be constituted and in working order by the beginning of the cold weather of 1904-05, for the important purpose of making new regulations. In the Act as passed certain transitory provisions had been inserted by the Select Committee with the object of tiding over the transitional period; but these eventually proved a source of some embarrassment. To ensure that action should be taken as far as possible on uniform lines, Lord Curzon, shortly before leaving India in April 1904, wrote to the Chancellors of the other universities explaining exactly the action which he proposed to take in the case of Calcutta. The main object was to secure upon the governing bodies which would draft the new rules a majority who could be counted on in favour of sound education. The letter dealt with the procedure to be followed in electing and appointing the first senate and forming it into provisional faculties; in declaring the body corporate established; in determining the seniority of fellows; and in arranging for the election of the new syndicates by the senates. In view of subsequent events, the details of the last stage of this procedure were important. In Calcutta it was arranged that there should be a syndicate of ten members, three elected from the provisional faculties of arts, two from each of the provisional faculties of science, law, and medicine, and one from that of engineering. From each faculty at least one principal or professor of a college was to be chosen, and to prevent more than one faculty from choosing the same candidate the election was to be held by the senate in full conclave and not by the faculties separately. Finally His Excellency drew attention to the importance of ensuring that the new senate should be composed of members competent to form an opinion upon university questions, willing to recognise that reform was needed, and able to give regular attention to university business.

So far as the constitution of the new senates went, no difficulty was experienced in carrying out these instructions. The elections and nominations were completed in the case of Calcutta by November 23, 1904, and the new body corporate was declared duly constituted on December 7. Similar declarations were made by the Chancellors of the Madras, Bombay, Allahabad and Punjab Universities on November 8, December 1, November 12, and November 29, respectively. On December 7, His Excellency Lord Curzon as Chancellor of the Calcutta University issued orders as to the appointment by the new senate of a provisional syndicate; and on December 17, the latter body was accordingly appointed. Action was taken on the same or similar lines by the Chancellors of the other universities.

44. *Universities Validating Act, 1905.*—Early in the following month the validity of the orders issued by the Chancellor of the Bombay University was challenged by certain opponents of the Universities Act of 1904. Counsel's opinion was obtained to the effect that the Chancellor was empowered to prescribe the procedure to be followed by the senate in appointing a provisional syndicate, but not to direct that the election should be by faculties, a direction which would,

it was asserted have the result of altering the electorate. A suit was filed in the Bombay High Court praying for an injunction to restrain the provisional syndicate from conducting the business of the university and a notice of motion of similar intention was given in the Calcutta University Senate. It was clear to the Government of Lord Curzon that the object of these manœuvres was to delay reform, by requiring the work of assembling a syndicate to be redone and possibly by obtaining a majority in that body adverse to change. They decided to resolve any doubts as to the validity of past proceedings by immediate legislation. A bill with this object was introduced in Council on February 3, 1905. It declared all directions, declarations and orders purporting to have been made under the Act of 1904 to have been duly made, and all bodies corporate and provisional syndicates purporting to have been so constituted to have been duly constituted. The bill was opposed by the same antagonists as its predecessor of the preceding year. In his reply to the Hon'ble Mr. Gokhale, the President observed that if any illegality had been committed—which His Excellency did not admit—it was of the most petty character and due to no sinister intention on the part of the Chancellor but to the exceedingly obscure character of the transitory provisions of the original Act, for which not the Government but an additional Member of Council who had been closely associated with Mr. Gokhale in his opposition to the measure of 1904 was responsible. The bill was passed at the next meeting of Council on February 10, 1905.

45. *University regulations.*—Previous to the passing of the Universities Act there is little requiring notice under this head. In 1899 private matriculation candidates at Allahabad were required to pay an enhanced fee of Rs. 16 : and in 1900 the age for matriculation was raised to sixteen years. In 1900 the Calcutta Syndicate was empowered to withdraw the privilege of recognition. The desirability of amending the procedure obtaining in the debates of the Allahabad University was pointed out in 1900. In 1902 the Government of India determined on the appointment of the Universities Commission^a, and since that date they have as a rule reserved orders upon proposals for further amendments until such time as the Commission's proposals should have been considered in detail. In 1903, however, they sanctioned certain minor changes in the regulations for the Allahabad and Calcutta Universities which did not conflict with the policy generally decided on.

On the constitution of the new university authorities in 1905 the first task before them was the revision of the regulations. The Act left the initiative in preparing these to the senates, and provided for previous consultation between the Government and the senate before the former exercised its power of altering or adding to the regulations. The Government of India had given a distinct pledge that the powers of Government should not be used merely to introduce uniformity or to decide details, but only to ensure that no matters of principle were omitted or wrongly handled. In January 1905 His Excellency Lord Curzon addressed the other Chancellors demi-officially, drawing attention to the importance of scrupulously fulfilling this pledge, and indicating the points on which in his opinion the ultimate powers of Government should, if necessary, be used. It will be convenient to deal with the more important of these matters under the separate headings which follow. The Act further provided that the new body of regulations should be framed within a year from the commencement of the Act or such further period as Government might fix. In the case of Calcutta and Bombay it has been found necessary to give extensions, and they

will probably be necessary also in Madras and the Punjab. The revised regulations of the Allahabad University were notified in September 1905.

46. *Inspection of colleges.*—Perhaps the most effective instrument of reform provided by the Act of 1904 was expressed in its requirement that the university syndicates shall from time to time cause every affiliated college to be inspected by competent persons. The Government of India decided that the regulations should specify a time within which every college should be inspected and prescribe periodic inspections thereafter; and to enable the work of inspection to be started without delay they suggested that an allotment for the purpose should be made from the special grants placed at the disposal of local Governments for the purposes of college reform. The sources within a province from which the inspecting agency can be drawn are limited, and it may prove necessary in some cases, as for instance in Bengal, to employ inspectors from England. Meanwhile the Madras University has appointed a committee of inspection including the Director of Public Instruction. The Government of India entirely agreed that the Director's services should be utilised but they were unable to accept the Madras Government's proposal that he should be allowed to receive an honorarium for the duty. They considered that no one within the scope of whose ordinary duties the inspection of colleges clearly falls should receive payment for making inspections on behalf of the syndicate. They also suggested that local Governments should endeavour to control the expenditure incurred on inspections and to ensure that it should not be in excess of reasonable needs.

47. *Matriculation.*—The Government of India laid it down that all candidates for matriculation should have attained the age of sixteen years. This important ruling will, it is anticipated, be of great value in checking the tendency, which results from the commercial value attaching to a university diploma, to allow immature students to proceed to courses of study to which they are mentally and often physically unequal. The conditions with which schools presenting candidates must in future comply have been stated in para. 11 above. No candidates will be allowed to appear from unrecognised schools.

48. *Appointment of University professors.*—The project of a teaching university is not one that is likely to be speedily realised in India, but in the hope of such a development in the future, Lord Curzon's Government considered it essential that no regulations should be framed which would preclude Government from exercising full control over the appointments of university professors and lecturers.

49. *Courses of study.*—The difficult question of the university curricula had been fully discussed by the Universities Commission of 1902, upon whose proposals the Government of India had expressed their own views in addressing local Governments. To have insisted on absolute uniformity of courses of study would have been inconsistent with their conception of the responsibilities and privileges of the reformed universities. Lord Curzon's Government, therefore, left it to the senates in framing the new regulations to consider the suggestions already placed before them.

50. *Regulations in medicine.*—The question of medical degrees, however, stands on a different footing from that of other diplomas, and the Government of India decided that the public interests required that in framing the regulations relating to them some degree of uniformity must be secured. Colonel G. Bomford, C.I.E., I.M.S., was deputed in November 1904 to visit the several medical colleges and to report upon the courses followed. On succeeding in

January 1905 to the post of Director General of the Indian Medical Service Surgeon-General Bomford submitted a memorandum containing suggestions for the improvement and unification of the medical courses. He proposed to require from all students entering upon a medical training a general qualification equivalent to the Calcutta F. A. test ; and to abolish the L. M. S. diploma and to give only the M. B., M. D. and M. S. degrees. The Government of India circulated this scheme for the consideration of the various university authorities. One of the most important proposals, however, made by the Director General was that the length of the medical course should be raised from five to six years. The Government of India entertained serious doubts as to the expediency of this change which they indicated in addressing local Governments. The result, so far as it is yet known, has been to justify their hesitation for the proposal has been rejected by most of the senates.

51. *Special grants.*—The intention of the Government of India to give a recurring grant of five lakhs for a period of five years in order to enable local Governments to carry out the main portions of the scheme of university reform has been already mentioned in Part I of this book. The idea of entrusting the reformed syndicates with the responsibility of advising how the grants should be allotted between colleges was abandoned in view of the discouraging manner in which the suggestion was received by local Governments : and Lord Curzon's Government proceeded to determine the allotment between provinces on the information available to them. They thought that precedence should be given to the reimbursement of the universities for the loss of fees for matriculation, to assisting them in undertaking inspections, to university buildings and to university staff and teaching in the order named. For the first object of expenditure, which could not present itself in a practical form till the new regulations should take effect, was substituted at a later stage expenditure on the travelling allowances of fellows and syndicates. Among the items provided for in the distribution of the first year's grant were the construction of offices and hostels at Allahabad, the purchase of land for university buildings at Allahabad and Calcutta, and the provision of a library at Lahore. The Bombay and Madras Universities also received non-recurring grants of half a lakh each. The distribution of the remaining twenty lakhs has recently been settled. Twelve lakhs have been apportioned to the improvement of colleges : four lakhs to university purposes, such as inspection, administration and travelling ; and the remaining four lakhs for university buildings. The total allotment between provinces is :—Madras, 4·9 lakhs ; Bombay, 3·2 lakhs ; Bengal, 8·3 lakhs ; the United Provinces, 4·5 lakhs ; the Punjab, 2·7 lakhs ; the Central Provinces, '65 lakh, and Assam, '65 lakh.

52. *Arts colleges.*—In the apportionment of the grants, only aided institutions were allowed to share : but in pursuance of their purpose of raising the standard of college education throughout India the Government have not failed to remove deficiencies in the equipment of their own colleges which are intended to serve as a model to other institutions. To the Deccan College, Poona and the Elphinstone College, Bombay, additional officers of the Indian Educational Service have been appointed as professors of literature and history. The staff of the Muir Central College, Allahabad, has been strengthened by the appointment of an arts professor in the Indian Educational Service, and two junior professors of chemistry and physics, and a professor of mathematics in the provincial service. At the same time the grading of the staff in the Muir College and in the Queen's College, Benares, has been improved. Lord Curzon's Government have also supported the Punjab Government in proposing

to appoint an Indian Educational officer as professor of chemistry in the Lahore College.

In other provinces, where there was no Government college at headquarters, measures have been taken to supply the want. In Burma the Rangoon College, which is practically the only collegiate institution in the province, was managed up to 1902 by the educational syndicate, an advisory and examining body financially aided by Government. In sanctioning in 1900 a provisional increase in the pay of the college staff, the Secretary of State commented on the disadvantages of this arrangement, and the local Government reported that both the syndicate and the department were agreed that the college and collegiate school should be transferred to State control. The Government of India agreed in this conclusion, and on their recommendation the Secretary of State sanctioned the proposal.^a It involved making the superior posts pensionable and treating two of them as belonging to the Indian Educational Service. After the settlement of some difficulties connected with questions of *personnel* the college was transferred to Government in 1904.

The absence of a first-class Government college at the provincial headquarters of the Central Provinces was felt to be a serious deficiency, particularly in view of the recent enlargement of the province and the association of its educational system with the Allahabad University. The Chief Commissioner decided that the best course in the circumstances was to assist the Morris College, which was the best equipped aided institution in Nagpur, to obtain a sufficient staff to enable it to provide satisfactorily for the requirements of a university course. He proposed to lend it the services of two Indian Educational Service officers as professors of literature and history. The Government of India recognising that exceptional measures were required decided to support the proposal and it was sanctioned by the Secretary of State in July 1904.

Assam also lacked provision for collegiate teaching : and in its absence students after matriculating used to attend Bengal colleges to study for university degrees. In view of the strong demand for a local college it was decided in 1900 with the Secretary of State's sanction to establish at Gauhati a Government College teaching up to the F. A. standard.^b

53. *Engineering colleges.*—The staff of the Madras Engineering College was strengthened in 1900 by the addition of a professorship of civil engineering and an instructorship in mechanical engineering. The former post was eventually included in the cadre of the Indian Educational Service. The Sibpur College, Bengal, also has been provided with a properly qualified head master to take charge of the apprentice department. The recent development of the Thomason College, Rurki, also necessitated a reorganization of the superior staff, and with the Secretary of State's sanction the pay of the principal and military assistant principal was raised in January 1904, and two appointments were added to provide for instruction in drawing and surveying, and chemistry. The printing establishment has been reduced, and it is proposed to enlarge the photo-zineo-graphic section. More recently, further developments in the Thomason College have been proposed, but these are still under discussion. The Government of India have also discussed with local Governments the question whether students belonging to one province should be treated as eligible to compete for the guaranteed appointments allotted to engineering colleges of other provinces. The Secretary of State approved the decision that local Governments should not be required to narrow the field of candidates more than they thought desirable, and that students from native states should be allowed to compete for appointments guaranteed to the college

(a) F. & C. desp. no. 57, d. Mar. 12, 1903. (221)

(b) F. & C. desp. no. 130, d. Apr. 26, 1900. (222)

of the provinces to which such states were or might be regarded as politically assigned." The status of the Dacca survey school has also recently been improved. Formerly this institution provided teaching in engineering only up to the sub-overseer or lower subordinate standard. It has now been equipped to train students to become overseers, or members of the upper subordinate service.

54. *Law colleges*.—Upon the recommendation made by the Universities Commission that law classes should be concentrated into central law colleges, it was decided to take no action for the time being. But attention has been thoroughly aroused to the importance of improving the teaching of legal subjects and in various provinces a good deal has been done. The law school at Bombay was reorganized in 1899, the pay of the two professors being increased and three new posts being added. The Madras Law College was also recently remodelled as a whole-time institution with a permanent staff consisting of one principal and two assistants^b: and in Allahabad a part-time law professor and two readers in law have been appointed.

55. *Chiefs' colleges diploma*.—The measures taken at Lord Curzon's initiative to reconstitute and vivify the Chiefs' Colleges throughout India have been the concern of the Foreign Department and do not fall within the scope of the present narrative, except in so far as they are connected with the general scheme of education in British India. At a conference held at Ajmer in March 1904 to consider various means of improving the constitution and management of Chiefs' Colleges it was proposed that the diploma to be granted by the Government of India to students who succeed in passing the examination held at the end of the course of studies should be recognised by the universities as equivalent to their matriculation examination for the purposes of admission to their courses. The Government of India approved of the suggestion and have asked the local Governments concerned to invite the universities to accept it. The Punjab University has accepted the proposal, but the Government of India have not yet heard the views of the Universities of Bombay and Allahabad.

56. *Residences for professors*.—The Indian Universities Act, 1904, required that in affiliated colleges due provision should be made for the residence of the head of the college and some members of the staff in or near the college or the students' residences. It was important that the State should itself set a good example in this respect, and in January 1905 the Government of India consulted local Governments upon the question of the terms and conditions on which residences should be provided rent free for professors in Government colleges. No general principle had been adopted in dealing with this question in the past and it was now desirable to determine it on definite lines. The Government of India proposed to impose as a condition of free residence, the obligation to discharge certain specified duties in connection with the supervision of the students and the direction of their studies and recreations. Local Governments generally have welcomed these suggestions and have submitted proposals for the provision of a number of free residences for professors in Government arts and technical colleges.

57. *Higher study of Arabic*.—In 1904 the Government of India considered a scheme laid before them by the Government of the United Provinces for

(a) H. D. desp. no. 3-Edn., d. Mar. 22, 1900. (223)

(b) F. & C. desp. no. 108, d. Mar. 28, 1901. (224)

establishing a school of the higher Arabic learning at the Muhammadan Anglo-Oriental College at Aligarh. They were wholly in sympathy with the proposals but could not overlook the possible danger that such an institution might become a focus of political intrigue ; and they preferred to offer the college a grant-in-aid to enable it to obtain the services of a professor from England. They did not agree that the professor should be a Government servant, and they asked for a further guarantee that voluntary contributions to his support would be permanently forthcoming. For financial reasons the local Government was compelled to leave the question in abeyance for a time, but it has recently again approached the Government of India with a request for a grant. It is hoped that the appointment may be the first step towards the creation of a teaching university at Aligarh. There has recently been a marked revival of interest in the classical languages in the United Provinces, and it is possible that a similar school of higher Sanskrit scholarship may be established at Benares.

(f) MISCELLANEOUS.

58. *Training of teachers.*—The Simla Conference laid stress on the inadequacy of the existing sources of a supply of well-trained teachers. They proposed that normal schools for primary teachers and training colleges for secondary teachers should be alike increased. The scheme which Lord Curzon's Government have adopted aims at the provision (1) of training colleges affiliated to the university, which will provide a course of one year's training for graduates culminating in a degree or diploma, (2) of normal colleges providing a two years' course for secondary non-graduate teachers, and (3) of normal schools providing a two years' course for primary teachers. The Government of India have also laid it down as advisable that training colleges should have attached to them practising schools and should be furnished if possible with a library and museum. The extent to which the several types have hitherto been realized varies in the different provinces. There exist at Madras, Allahabad, Lahore and Jubbulpur institutions in which students are trained for service in the highest classes of secondary schools. In Bengal, however, where the need for adequate arrangements was greater than in any other province, none existed, previous experiments in the direction of a training class at Kurseong having proved a failure. In 1903 the Lieutenant-Governor put forward comprehensive proposals for the creation of a training college at Hughli and normal colleges at Dacca and Bhagalpur. For the students in all these institutions it was proposed that stipends should be provided. In all six new officers, one in the Indian Educational Service and five in the provincial service, were asked for. The Government of India supported the scheme which was in accordance with their declared policy and the Secretary of State sanctioned it generally, though he was not prepared to recruit officers for the provincial service from England. The Bengal Government has provided for the heavy expenditure involved, and hopes to carry out the project as soon as the new officers have joined. In Bombay also a training college for secondary teachers has been established, and the Secretary of State has sanctioned the appointment of an Indian Educational Service officer as its principal. The new institution will train some thirty teachers annually. Normal schools for primary teachers exist in every province, there being as a rule one for each inspector's circle. As a result of the recent discussion the course of training has, where it was hitherto of shorter duration, being extended to two years. In Bengal, schools for *gurus* will be established in every sub-division, and normal schools for

other teachers are being improved. It has been arranged moreover to place the entire system of training of vernacular teachers under the superintendence of an Indian Educational officer who will also be head of a central training school at Bhagalpur. In the Bombay presidency also the four existing normal schools are being reconstructed and improved, and a scheme for bettering the training of primary school teachers in Madras is also under the consideration of the Government of India.

59. *Training colleges.*—In 1899 the United Provinces Government determined to enlarge its training college for secondary teachers and to remove the institution from Lucknow to Allahabad. The expansion of the college necessitated a strengthening of the staff: the pay of the principal was raised and the appointments of an English vice-principal and four assistants were sanctioned.^a In 1900 a similar institution was established at Kurseong in Bengal, primarily to provide teachers of both sexes for European schools in Bengal and secondarily to train a few selected native teachers.^b Experience moreover showed that among Europeans only girls took advantage of the college, and it has since been decided to confine the work to these and to provide otherwise for the training of European male and native teachers^c (paras. 32 and 58).

60. *Terms of training.*—The conditions on which native teachers are allowed to attend training institutions have hitherto been determined by orders issued from time to time in particular cases. In February 1904, the Government of India determined to regularize the terms of training. They recognised that in the matter of emoluments during training uniformity was not essential, but they thought that in no case should the teacher under training draw more than three-fourths of his regular pay. They suggested also that the training period should count as deputation qualifying for increments but not for further leave, though without entailing forfeiture of leave already due: and that travelling allowance should be granted for the journeys on joining and return. They thought also that if teachers employed by local boards or municipalities were sent for training the local bodies should bear a share of the expenditure.^d Local Governments generally accepted these proposals which were accordingly adopted. It was left to provincial Governments to determine the share of the expenditure which should fall on local funds. The same rules have since been applied to the case of certain teachers of science in colleges and high schools in Bengal.

61. *Examinations.*—The Simla Conference declared that public examinations were extravagantly numerous and a source of many evils. They had been allowed to dominate the whole system of education in India, with the results that instruction was confined within the rigid framework of prescribed courses, that all forms of training which did not admit of being tested by written examinations were liable to be neglected, and that both teachers and pupils were tempted to concentrate their energies not so much upon genuine study as upon the questions likely to be set in examination papers. The Conference proposed that the primary course should terminate with a departmental examination conducted by inspectors *in situ*, that the secondary course should end in a public examination, distinct from the matriculation test, and that no other public examination should be held. They recommended uniformity of nomenclature, numbers and stages and they proposed that scholarships should be awarded as the result of special tests. With few exceptions local Governments

(a) F. & C. desp. no. 275, d. Aug. 10, 1899.

(b) F. & C. desp. no. 425, d. Dec. 21, 1899.

(c) H. D. desp. no. 9, d. Apl. 14, 1904.

(d) H. D. letter nos. 81-82, d. Feb. 4, 1904. (225)

have accepted these proposals and embodied them in their educational codes. The reform is one which can be purchased only by an heavily increased expenditure on the inspecting agencies : but taken in conjunction with the abolition of the unsound system of grants by results, it will, the Government of India anticipate, be of enormous benefit to the cause of Indian education.

62. *Examinations for Government service.*—In 1900 the Secretary of State raised the question whether the system of public instruction in India effectively provided a suitable and loyal class of Government servants. Having regard to the possibility that the disappointment of the unsuccessful majority of educated aspirants for service might become a political danger, and to the fact that by accepting university degrees as a qualification Government waived its discretionary powers of fixing a standard of selection, he thought that it might be preferable to hold a separate examination for admission to the public service.^a The replies of local Governments confirmed the conclusion to which the Simla Conference came independently that the institution of a separate examination would not be beneficial but rather the reverse. The Conference advised that for the lower grades of service school certificates of proficiency and conduct should be accepted in lieu of examination passes; that for the middle grades the school final examination would provide a suitable qualification; that for the higher grades the qualifying test of university degrees should be supplemented by selection or by special examinations. They advised also that reasonable preference should be given to a knowledge of the vernacular. With the first, second and last of these recommendations the Government of India were in complete accord. With reference to the third proposal they invited opinion upon the extent to which selection by competitive examination should be abolished and suggested the principles upon which a system of selection after qualification might be substituted for it.^b The replies of local Governments dwelt largely upon administrative exigencies, but in the main accepted the proposals. Dealing with the question from the educational aspect, therefore, the Government of India resolved that the principle of competition for appointments was of recent and foreign origin and of uncertain and unsatisfactory operation. They considered therefore that special competitions should as a general rule be dispensed with, and that the requisite acquaintance with the laws and regulations of departments could be best attained during, and tested after, a period of probationary service.^c

It was not the intention, however, of Lord Curzon's Government that the discussion should culminate only in an academic expression of opinion : and they proceeded in consultation with provincial Governments to consider precisely how practical effect should be given to the decision. In Madras and Bombay competitive examination as a means of entry to the provincial service has been abolished in favour of selection either from the subordinate service or from outside sources. In Bengal, the Lieutenant-Governor proposed to abolish competition for provincial service appointments and to allow the syndicate to nominate three candidates each year. The Government of India could not agree that the syndicate should exercise powers so important, but they approved of an experimental scheme under which that body will submit six names every year for addition to a list from which the Lieutenant-Governor will make

(a) H. D. letter no. 351, d. Oct. 24, 1900. (226.)

(b) H. D. letters nos. 526—533, d. Nov. 27, 1901.

(c) H. D. resn. no. 199—211, d. Mar. 11, 1904.

appointments. Competition for the subordinate service was also abolished. In the United Provinces appointments to three deputy-collectorships were previously made upon the results of a competitive examination. This practice was abolished in favour of selection from among graduates of the landlord class, or from the annual list of graduates of European schools. In the Punjab it is the practice to appoint one-quarter of the number of extra assistant commissioners and one-half of the number of munsifs by a system of competition combined with selection. This arrangement is free from the objections to unrestricted competition and it has been permitted to continue. In Burma also a limited system of competition for appointments as *myoók* was retained for similar reasons; but competition for the clerical service was abolished. In the Central Provinces and Assam no appointments to the public service had been thrown open to competition.

In consequence of the discovery of a widespread system of frauds at the public examinations, the Madras Government have recently asked for the appointment of an educational officer to supervise all Government examinations in that presidency. The information which they supplied as to the scope and extent of the existing examination system led the Government of India to doubt whether the principles indicated in this and the foregoing paragraphs had been properly applied in Madras, and the question is still under consideration. The fact appears to be that in the southern presidency literary qualifications can be secured far more generally than elsewhere for the lowest paid posts under Government, for which reason it may not suffice to rely on school certificates as a qualification for the lower grades of service.

63. *Private enterprise*.—The Conference of 1901 endorsed the recommendation originally made by the Education Commission of 1882, that primary, secondary and collegiate education should be progressively devolved upon private enterprise and that the State should withdraw from competition therewith; but they considered it essential that Government should maintain a limited number of institutions as models. The Government of India qualified these conclusions with the remark that in withdrawing from management the Government could by no means withdraw from control. Secondary and collegiate institutions managed by the State ought to be few in number and highly efficient; but in most cases it seemed expedient to maintain at least one public secondary school in each district. Four provinces fell short of the suggested standard: out of these, the Punjab Government has decided to resume control of several municipal schools at district head-quarters, and the Central Provinces Administration has explained that the close control exercised over municipal schools makes the provision of fresh Government schools for the greater part unnecessary.

64. *Fees*.—The Educational Conference of 1901 condemned the unchecked lowering of fees as encouraging unhealthy competition and a lowering of standard, and proposed that minimum rates should where possible be fixed. In relation to colleges the question was further considered by the Universities Commission. They were much impressed by the inadequate equipment of many unaided colleges which charged low fees to attract students, and they accordingly pronounced in favour of the enforcement of minimum fees. In addressing local Governments, the Government of India indicated the considerations which must be taken into account as tending to modify this conclusion^a: and after examination of the replies received, they decided that the variation of local conditions made it undesirable that hard-and-fast rules should be framed. The main object in

(a) H. D. letter no. 854—863, d. Oct. 24, 1902.

view would, they thought, be attained by making it a condition of the affiliation of colleges that the fees should be such as to insure the financial stability of the college and to avoid injurious and unfair competition with other local institutions. As regards secondary schools the question was settled by the general resolution of March 11, 1904, which laid down that similar conditions would be required of any school desiring to be recognised for the purpose of grants-in-aid, Government scholarships, or matriculation; and by the regulations framed under the Universities Act which will enforce the decision as regards the latter test.

65. *Languages in schools.*—The principles laid down by the Simla Conference were that primary education should be imparted in the vernacular: that the use of English as a medium of instruction in secondary schools should not begin too soon: and that the study of a vernacular should be continued throughout the secondary course. In spite of the temptation to begin teaching English prematurely which is presented by the commercial value which a knowledge of the language commands, the soundness of these principles has not been seriously questioned by local Governments, though in certain centres in Madras it has been found advisable to admit English to a place in the primary course. Accordingly in their resolution of March 1904 Lord Curzon's Government reaffirmed these lines of policy. The line of division between the use of the vernacular and the use of English as a medium of instruction they drew roughly at thirteen years: and they insisted on the continuance of a study of the vernacular to the end of the school course in the conviction that this was required in the interests of vernacular literature and in pursuance of the aim of Government to bring European knowledge through the vernacular within the reach of all classes of the people.

66. *Text-books.*—In March 1899, the Government of India called for reports upon the system under which text-books were prescribed for all schools and colleges and upon the constitution and powers of text-book committees.^a The replies showed that standing orders had been diversely interpreted and in some instances lost sight of, and the Government of India decided that fresh instructions were required which should be strictly observed. So far as books prescribed by the university were concerned the Government of India observed that the powers of the State to interfere were statutorily restricted; and they proposed to endeavour to effect an improvement by unofficial communication in the first instance with the Calcutta University. The resolution officially embodying their conclusions related only to primary and secondary schools and the lower classes of high schools. It directed (1) that local Governments should approve all lists of books and publish them periodically in the gazette; (2) that the Director of Public Instruction should invariably be president of the provincial committee; (3) that committees should be gradually reduced in size and be so constituted as to represent both official and non-official opinion; (4) that aided schools should be required to use only authorized books; (5) that non-aided schools should as a condition of appearing at any public examination or competing for public scholarships be required to abstain from using any book of which Government disapproved; and (6) that the right of prescribing any book for general use should be reserved to Government. Local Governments were requested to revise their rules on these lines and the amended rules were submitted to, and approved by, the Government of India.^b

(a) H. D. letter nos. 153—162, d. Mar. 28, 1899.

(b) H. D. resn. nos. 64—74, d. Feb. 8, 1900, (227.)

The question of text-books and courses was further considered by an informal Committee of Directors at the conclusion of the Simla Conference. Their conclusions regarding the principles on which school text-books should be prepared were commended to the favourable consideration of local Governments.^a In 1903 the Bombay Government appointed a special committee under the presidency of Mr. Covernton, inspector of schools, to revise the vernacular books in use in schools in that presidency. The committee were on special duty for fifteen months; and a report on their proceedings, which were very thorough, has since been prepared by Mr. Covernton. Full control over the text-books prescribed by the universities has since been secured to local Governments by the passing of the Act of 1904.

67. *Moral training.*—Lord Curzon's opening speech at the Simla Conference suggested that a moral influence in Indian education was to be sought, not in special moral primers, but in the due selection of teachers, in the use of healthy text-books, and in discipline in boarding schools. These views were adopted by the Conference and were communicated to local Governments. It is necessary to add only that as discipline and conduct decline when competition is carried so far as to allow scholars to migrate from one school to another without inquiry being made as to their conduct at their previous school and their reasons for leaving it, rules have been framed regulating the admission of scholars to Government and aided schools and their promotion on transfer from one school to another, so as to secure that a record of their conduct shall be maintained and that irregularities and breaches of discipline shall not pass unnoticed. These rules have been extended to all unaided schools which desire to enjoy the benefits of recognition.

Connected with the foregoing question is that of the establishment of hostels under proper supervision in connection with both colleges and secondary schools. The Conference and the Universities Commission were at one in advocating an extension of the hostel system as likely to exercise a profound influence for good upon student life in India, and the Government of India are glad to find that local Governments and private agencies have been equally active in providing such institutions.

Shortly before Lord Curzon's departure a memorial was addressed to His Excellency by certain residents of Bengal praying for the compulsory introduction of moral training in schools and colleges. The Government of India welcomed this address as a testimony to the confidence that was being increasingly entertained in their educational policy, which was especially remarkable in emanating from the province where that policy had previously been most violently assailed. Their reply assured the memorialists that consistently with the principles which determined their attitude towards religion in India, the Government were endeavouring by every means in their power to inculcate moral standards and to inspire a higher tone. In the present stage of Indian education the most important influence for morality was that of parents, relatives and guardians. This is an independent agency which Government can neither create nor control. Second only to it in value is the influence of the instructor. In this case Government have acknowledged their responsibility and have unceasingly endeavoured to increase the number and to improve the quality and training of teachers. Third in importance is

(a) H. D. letters nos. 543—551, d. Nov. 27, 1901. (58)

the nature of the teaching, which is dependent on the selection of suitable text-books and the determination of appropriate subjects and courses. In this case Government are discharging their direct responsibility by the systematic revision of curricula and books, but their responsibility is shared by local bodies and authorities on which native opinion is largely represented and sometimes predominant. Lastly must be reckoned the provision of proper surroundings for school boys out of school hours, in the shape of hostels and common messes. Here again the State can give a lead and is giving it: but private enterprise can also find an ample field. The Government were therefore doing their part. If their efforts were to be fully successful they must be supported by a powerful and vigorous public opinion in native society itself.

68. *Education and politics.*—In consequence of certain observations addressed by the Secretary of State to the Government of Bombay, the Government of India considered whether it was necessary to take any measures to check the tendency of teachers to dabble in political movements.^a No general orders were thought necessary, but the Government of India commended to the consideration of the Government of Madras the rule adopted by the Lieutenant-Governor of the United Provinces that it should be made a condition of any grant-in-aid that a school or college should remain unconnected with any political organization or movement and that the manager, teachers or students should take no part in political agitation.^b

69. *Female education.*—The Simla Conference emphasized the backward condition of female education and advocated the institution of model primary schools, the provision of more training schools where necessary, and the strengthening of the staff of inspectresses. While fully recognising the retarding force of social usage, the Government of India thought that the inadequate results hitherto attained were partly due to the want of sufficient State encouragement, and called on local Governments to make earnest efforts to effect a real advance. It was impossible, they considered, to rely on the efforts of local bodies to popularize female education: a direct stimulus must be applied by the educational department itself. The response of local Governments has hitherto chiefly taken the form of applications for more inspectresses, but in some provinces measures are being taken to institute model primary girls' schools and to increase the number of training schools. With the larger expenditure upon female education which local Governments will be enabled to make from their special grants greater progress may be anticipated. The latest figures available show an increase of 40 per cent. since 1899 in the number of primary girls schools in British India, and of 30 per cent. in the number of scholars attending them. The Governments of Madras and the Central Provinces in particular have already done much to put their female schools on a better footing. The former Government submitted a scheme for reorganising all Government girls' schools in that presidency, and strengthening the staff of teachers and improving their pay at a cost of Rs. 45,000 per annum, to which the Government of India have obtained the Secretary of State's sanction. The Chief Commissioner of the Central Provinces, adopting the recommendations of the Conference, has taken over on behalf of Government the management of all local boards' girls schools at an annual cost of Rs. 26,000 in the Central Provinces and of Rs. 30,000 in Berar.

(a) Desp. no. 148 (Pub.), d. Dec. 16, 1897.

(b) H. D. letter no. 44, d. Jan. 23, 1900.

70. *Reformatory schools.*—In September 1899 after consultation with all provincial authorities the Government of India resolved to remove reformatory schools from the control of the jail to that of the educational department.^a In Madras this change had been effected in 1888, but elsewhere the control had remained with the jail authorities with the result that insufficient attention had been paid to the educational and reformatory functions of the schools. This consideration seemed to Lord Curzon's Government of such paramount importance as to justify them in dissenting from the opinions of those local Governments who feared that the transfer would result in a weakening of discipline. The decision has facilitated the introduction of far-reaching reforms. Steps have since been taken to modify the prison-like character of the régime, to improve the general education and to give to the industrial training imparted in the schools a more practical character. The system of licensing boys to employers has also been introduced with good effect. In 1903 a new reformatory school for the Punjab was opened at Delhi.^b

71. *Quinquennial reviews.*—The review of education in India during the years 1892-93 to 1896-97 was written in England by Mr. J. S. Cotton, and reached India in 1899. In their resolution dealing with it the Government of India asked local Governments to review their inspecting and controlling agencies: to consider if expenditure on colleges was not disproportionate: and to report on the progress of both primary and secondary education, the advisability of instituting a bifurcation of studies, the system of primary examination and the system of training schools.^c The replies from local Governments upon these points were reserved for reference to the conference which assembled at Simla in September 1901 and the consideration of them was merged in the larger discussion thereby initiated. The Lieutenant-Governor of the North-Western Provinces and Oudh, however, remonstrated against the censure of his educational administration which the resolution had conveyed; and was able to show that on specific points the Government of India had been misinformed.^d The reply of Lord Curzon's Government admitted that there had been misapprehension and generously acknowledged the improvements in a backward province effected by Sir Antony MacDonnell.^e The review of the next quinquennial period from 1897-98 to 1901-02 was written by Mr. R. Nathan, C.I.E., who was placed on special duty for the purpose: it was published in 1904.

72. *Statistical forms.*—In 1900 local Governments were asked to advise upon a memorandum drawn up by Mr. Cotton which contained suggestions for the improvement of the annual reports and tables. Their replies were considered at the conference of Directors in September 1901, and instructions for the amendment of the forms were given in November. Difficulties arose, however, from the absence of specimen forms and in July 1902 these were prepared.^f They proved in some respects defective: and though it was necessary to adopt them for the statistics of the following years it was decided that they should be further improved. The form in which the statistics of training institutions should be prepared also needs consideration. These questions were dealt with at the recent conference of the Directors of Public Instruction at Simla in September 1905, but their recommendations have not yet reached the Government of India.

(a) H. D. resn. nos. 374—379, d. Sep. 2, 1899. (228.)
(b) H. D. letter no. 592, d. Sep. 29, 1903.
(c) H. D. resn. nos. 495—506, d. Oct. 28, 1899.

(d) U P. letter no. 538, d. Nov. 29, 1899.
(e) H. D. letter no. 42, d. Jan. 22, 1900, (229.)
(f) H. D. letter nos. 569—557, d. July 8 1902.

73. *Educational correspondent*.—As the Indian educational systems are, to a large extent, founded upon English models, the Government of India thought it would be to an advantage if provision were made to keep them regularly informed of the important developments of education in England, and if an officer were appointed to whom enquiries on specific points could be regularly addressed. By this means they would be able to avail themselves of the ample materials collected by the Board of Education in England regarding both the English and foreign systems of instruction. The Secretary of State has met their views by arranging that the Director of Special Inquiries and Reports under the Board of Education shall act as educational correspondent to the Government of India for a period of two years from the January, 1904.^a

(g) ESTABLISHMENTS.

74. *Recruitment*.—When the educational services were reorganized under Lord Elgin's Government in 1896-97, the intention was that appointments to the Indian Educational Service only should be made from England, those in the provincial service being made in India. In practice this distinction has not invariably been observed. It has often been necessary to obtain for provincial service posts officers with special qualifications not forthcoming in India, and in such cases the Secretary of State has been asked to select candidates at home. To this practice Mr. Brodrick has recently objected as prejudicial to the prospects of the remainder of the provincial service and likely to produce discontent in the selected officers themselves. In one instance he has preferred to appoint such officers to the Indian rather than to the provincial service, on lower rates of pay than are usually given to Indian Educational men. He has suggested that from the provincial posts which have been filled by candidates from England a small separate service might be constituted, but this expedient is almost certainly impracticable and another solution must be sought. In the experience of the Government of India it is by no means desirable to admit officers to the Indian Educational Service on lower pay than the ordinary rate, as such officers become in consequence discontented with their position, or are encouraged to expect promotion to the higher posts for which they are not in all instances well qualified.

75. *Directors of Public Instruction*—The terms of several of these appointments have been improved during recent years. In 1901 the Director in Assam, who was graded in class II of the Bengal educational service was allowed to retain his appointment on promotion to class I. The pay of the Director in Madras was also raised in the same year to Rs. 2,000—2,500, being thereby equalised with the salary attached to the Directorships in Bombay and Bengal. In 1902 the pay of the Punjab appointment was raised to Rs. 1,750—2,000; and that of the Burma appointment was increased in 1903 to Rs. 1,500—2,000. Finally when Berar was added to the Central Provinces in October 1903, the pay of the Director was assimilated to that of the Burma post.

The appointment of Director of Public Instruction is entirely within the competence of the local Government and is not reserved for any particular service or department. In May 1905 the Government of Bengal, finding that there was no educational officer whom it could regard as qualified for the appointment at a period of unusual stress, proposed to appoint an officer of the Indian Civil Service. The sanction of the Government of India and of the Secretary of State was required only on financial grounds; and Lord Curzon's Government

seeing no reason to differ from the Lieutenant-Governor in spite of the popular criticism which the proposal aroused supported the recommendation. In sanctioning it the Secretary of State expressed his regret that it was necessary to depart from the usual practice of selecting an educational officer and trusted that it would be possible to revert to that practice when the tenure of the present appointment expired.

On the constitution of the new province of Eastern Bengal and Assam, it has been decided to raise the pay of the Directorship to Rs. 2,000. The present incumbent, who was appointed while the duties and responsibilities of the post were more limited, has been permitted to continue to officiate pending further experience of his capacity and qualifications.

76. *Assistants to Directors.*—The active policy now being adopted in educational matters has thrown an increasing burden upon the Directors of Public Instruction. The wider the influence that these officers exercise as provincial heads of the educational department, the more essential is it that they should not be prevented by routine duties from making frequent tours of inspection and thus acquiring a direct and intimate knowledge of educational conditions and requirements. With the Secretary of State's sanction four officers were accordingly added to the Indian Educational Service in order to provide the Directors in the four senior provinces with assistants upon whom part of their duties should be devolved.* In the Punjab and Burma also it was subsequently found necessary to give assistance to the Directors. In the former province the post of registrar of the Director's office has been created, which will ordinarily be filled from the provincial service : and in Burma the Lieutenant-Governor has recently asked for a personal assistant to the Director, to be included in the Indian Educational Service. The Government of India have decided to recommend the proposal to the Secretary of State.

77. *Indian Educational Service.*—The Simla Conference recommended that recruits for the Indian Educational Service should undergo a preliminary training in the theory and practice of education and that officers of the service, when on furlough, should be given facilities in the shape of special leave to study particular methods or subjects. In furtherance of the former suggestion Lord Curzon's Government addressed the Secretary of State.^b Mr. Brodrick replied that so far as possible in the selection of candidates he would give weight to the possession of a diploma and to experience in teaching : but that unless much longer notice of impending vacancies were given, he could not undertake to arrange that candidates should receive a six months' special training before being sent out to India.^c Arrangements were accordingly made that local Governments should intimate their requirements annually in March. In pursuance of the second recommendation of the conference it was arranged with the Secretary of State's sanction that Indian Educational officers should be permitted on favourable terms to employ portions of their furlough in following well considered schemes of study calculated to benefit them in their future duties.^d

No less than twenty-five applications from educational officers (including two who were not members of the Indian Educational Service) have been considered by the Government of India, and in the great majority of cases, sanctioned. Officers have in consequence proceeded to Great Britain or Ireland, the Continent, Canada, the United States and Japan to acquaint themselves with particular institutions, methods or movements. In several cases

(a) Desp. no 121, (Pub.), d. Nov 7, 1902.

(b) H. D. desp. no 9, d. Oct. 30, 1902. (231)

(c) Desp. no 7 (Pub.), d. Jan 8, 1904. (232.)

(d) H. D. desp. no. 6, d. Oct. 2 1902. (233)

valuable reports have been received. It may here be added that in 1900 prior to the introduction of a regular scheme of this kind, Dr. Bose, a distinguished professor of the Presidency College, Calcutta, who had conducted researches of marked originality, was deputed to the conference of scientists held that year at Paris. The period of his deputation was afterwards extended by one year.

Linguistic distinctions are one of the surest avenues to the respect of educated native opinion and for this reason the Government of India have decided to make educational officers eligible for rewards for proficiency in oriental languages on the same terms as Indian Civil Servants.^a Taken in conjunction with other reforms these measures will, the Government of India hope, do much to enhance the attractions of the service to men of high qualifications; but with the object of removing one possible obstacle to recruitment they have also arranged to reduce the initial term of probation from five to two years.

78. *Personal allowances.*—In January 1899 the Government of India issued orders determining how the promotion of officers of the Indian Educational Service or the graded service, who had formerly been borne on a joint list, should be regulated. The allotment of the personal allowances sanctioned in 1896 for members of the Indian Educational Service has caused some difficulty. Eventually the Secretary of State sanctioned the proposals that officers attaining the junior and senior allowances should rise to the maximum after 20 years' and 25 years' service respectively,^b and that the personal allowance of an officer appointed to officiate in another post should be treated as part of his substantive pay. Officers officiating in place of the holder of an allowance were also permitted to draw half the allowance.^c In 1904 a concession similar in principle to the first of these was granted to officers remaining in the graded service.

79. *Inspecting agencies.*—The sufficiency of the inspecting staff was one of the questions raised in the discussion upon Mr. Cotton's quinquennial review; but the decision to reduce examinations and in their stead to rely on increased efficiency of inspection made it necessary to re-examine the question in 1901-02. Further reasons for strengthening the inspectorate were afforded by the desire to improve the supervision over European schools and to extend female education. Numerous proposals have been made by local Governments for an increased staff. In Madras one inspector in the Indian Educational Service, three assistant inspectors in the provincial service, three assistant inspectresses and 62 sub-assistant inspectors have been added. The local Government has since asked for two additional inspectors in the Indian Educational Service and the Government of Lord Curzon have supported the request. In Bombay the system of inspection *in situ* was already in existence, but two inspectresses in the Indian Educational Service and one inspector of the same service for European schools in the Bombay Presidency and the Central Provinces have been added. In Bengal only one provincial service inspector and some sub-inspectors in the subordinate service have hitherto been added: but it has long been known that further large additions to the inspecting agency were inevitable. It is now proposed to appoint six new inspectors in the Indian Educational Service, three inspectors and fourteen assistant inspectors in the provincial service and 50 deputy inspectors, 160 sub-inspectors and 100 assistant sub-inspectors in the subordinate service. These proposals involve some departure from

(a) *F. and C. desp. no. 311, d. Oct. 8, 1903.* (234)
 (b) { *F. and C. desp. no. 367, d. Dec. 19, 1901.* (235)
 Desp. no. 14 (Pub.), d. Feb. 7, 1902.

(c) *Desp. no. 60 (Pub.), d. June 27, 1902.* (236)

the normal standard accepted as sufficient in other provinces, but these have been necessitated by the size of the districts and the number of the schools in Bengal. Costly as the proposals are, the Government of India have accepted them in the belief that no weaker agency can be expected to control and administer the various large schemes now being carried out for the improvement of education in Bengal. In view of these additions the local Government will also be asked to abolish or to reduce the class of subordinate officers known as inspecting pandits. To the provincial educational service in the United Provinces one inspector and two assistants have been added ; and twenty-two new sub-deputy inspectorships have also been created. Very recently the Lieutenant-Governor has asked for three additional inspectors, to be appointed in the first instance to the provincial service ; this addition will enable one inspector to be provided in each administrative division. In the Punjab one additional inspectress and one additional inspector have been appointed, and three assistants are also asked for. One new inspectorship in the Indian Educational Service and eight deputy inspectorships and eleven sub-inspectorships have been created in Burma. In the Central Provinces one inspector and one inspectress in the Indian Educational Service and one deputy inspector have also been added. In Assam also the appointment of two new inspectors, nineteen deputy inspectors and fifteen sub-inspectors has been sanctioned. On its enlargement, the province will further benefit by a considerable proportion of the increased agency proposed for Bengal. In the North-West Frontier Province a fifth district inspector has been added.

The Secretary of State has recently desired that requisitions for additional staff may be scrutinised with reference to fixed standards.^a There are many difficulties in the way of the application of exact numerical criteria, but the Government of India have suggested that there should approximately be one inspector for each civil division in the province with an additional inspector for European schools ; that there should be a deputy inspector for each district, or in Assam for each local area ; and that the strength of sub-inspectors should be sufficient to allow, with deputy inspectors, one inspecting officer for every 90 schools.^b In Madras, Bengal, Burma and Assam there still exists an indigenous subordinate supervising agency, but these are being abolished for inspecting purposes. The general result has been that the inspectorate throughout India, which until recently was exceedingly weak, has been reorganized and greatly strengthened at a heavy cost but without extravagance.

80. *Temporary professorial appointments.*—In 1900 the Bombay Government represented that temporary vacancies in appointments such as professorships in history, philosophy and political science could not be adequately filled from the provincial service and proposed that recruits should generally be obtained from England. Local Governments for the most part agreed ; and some of them suggested that the proposal should be extended to all professorships held by members of the Indian Educational Service. The Secretary of State accepted the recommendation and terms of appointment were settled.^c He pointed out that it was very desirable that he should receive early notice of impending vacancies, and therefore it has been arranged with local Governments that they should furnish regular annual indents showing the vacancies which they anticipate during the ensuing year.

(a) Desp. no. 138 (Pub. Educ.), d. Nov. 20, 1903.
(b) H. D. desp. no. 8, d. Mar. 31, 1904.

(c) Desp. no. 143 (Pub. Educ.), d. Oct. 25, 1901.

81. *Provincial and subordinate services.*—Closely connected with the question of increased establishments for inspection and special appointments is the subject of the pay and prospects of the provincial and subordinate services. Adopting the resolution of the Simla Conference, Lord Curzon's Government asked local Governments to consider whether existing conditions sufficed to provide a contented and qualified class of officers : and in reply all the provincial administrations have submitted proposals for improvement. In Madras both services have been regraded at an additional cost of over 1.2 lakhs a year; this sum, however, includes the creation of certain additional posts. The Bombay Government have proposed no new expenditure but only certain alterations in the classification of the services. In Bengal a costly reorganization of both services has just been sanctioned. The minimum pay of the provincial service has been raised to Rs. 200 ; the subordinate service has been separated into upper and lower divisions ; and the grading in both services has been rearranged so as to admit of more equable promotion. The cost of these measures was nearly two lakhs ; but the money has been well expended in improving the prospects of a deserving and low-paid class of officers. The recruitment of persons with special qualifications for particular posts in the intermediate ranks of the provincial service is a question of some difficulty the solution of which is still being sought. The Secretary of State has recently objected to the recruitment of provincial service officers from England ; and the Government of India have been asked to consider whether it is possible to organize a separate graded service to include such posts. In the United Provinces the subordinate service has been strengthened and its allowances raised at a cost of Rs. 15,000, and proposals for revising the higher inspecting staff are now before Government. The Punjab Government has also obtained a regrading of its provincial and subordinate services. In Burma the inspectorate has been regraded at a cost of Rs. 18,000, and apart from this existing appointments have been grouped into provincial and subordinate services, on their present rates of pay. In Assam the pay of masters in high and middle schools has been raised, and in the Central Provinces the subordinate inspectorate has been regraded and a separate graded service has been formed for teachers in high and normal schools. In this case also the possibility of adopting fixed standards has been carefully considered, but the immense variety of local considerations and requirements throughout the country have led the Government of India to suggest that nothing beyond the co-ordination of the number of grades and of the maxima and minima rates of pay and increments should be attempted. The Secretary of State has acquiesced in this view.

CHAPTER VII.

ECCLESIASTICAL.

1. *General.*—The period from 1899 to 1905 has been a time of activity in ecclesiastical matters. It has witnessed the creation of a new see; a material increase in the number of Government chaplains; an exhaustive discussion of the questions of the provision of church accommodation for troops and of the form in which Government assistance should be given to those denominations by which ministrations were independently provided; and a re-examination of the furlough and leave rules and the other terms of service of bishops and chaplains.

2. *Proposed creation of an Archbishopric.*—In connection with the appointment of a successor to Bishop Welldon the Secretary of State intimated that it was proposed in the Letters Patent to elevate the office of Metropolitan in India and Ceylon into an archbishopric, and asked for a demi-official expression of the views of the Government of India. The matter was discussed by Lord Curzon's Government in Council with the result that opinion was unanimously opposed to the suggestion. Their reply intimated that they knew of no demand in India for the change. The Church of England no doubt would welcome it as tending to augment its prestige and power; and the missionary community also might appreciate the reflex influence of this consequence. But other Protestant bodies would probably feel that an unfair advantage had been given to a party between whom and themselves there had been recent and protracted controversy. Colonial precedents which had been adduced in favour of the proposal could really be applied to it only by a false analogy. To the argument that an English Archbishop was required as a set-off to the enjoyment of that title by dignitaries of the Roman Catholic Church Lord Curzon's Government attached no weight. The change was certain eventually to entail new expenditure on a suffragan bishop for Bengal, if not also on a dean and chapter. But the main objection which they entertained to the proposal was based on the necessity of maintaining in some measure at least the subordination of the Church in India to Government. In Bishop Welldon's time there had been clear indications of a tendency on the part of the Church in India to take a line independent of the State, and to assume the right to formulate propositions and to institute policies without reference to the civil power. Such a tendency was greatly to be deprecated, especially in relation to native opinion which regarded the Church only as the ecclesiastical department of Government and would be strongly excited by any departure from an attitude of strict neutrality in respect of religion. The agitation caused by Dr. Welldon's utterances in India had reached such dimensions as to elicit a public repudiation of his views by Sir Antony MacDonnell, the late Lieutenant-Governor of the North-Western Provinces and Oudh—a repudiation which was not delivered without reference to or without the consent of the Government of India. The impression which had been already derived in some quarters, that Dr. Welldon had received instructions from Government to foreshadow a policy of more active partisanship in ecclesiastical matters, would derive unfortunate encouragement from the elevation of the Metropolitan to archiepiscopal rank. For these reasons the Government of India strongly deprecated the change.* No action in the direction proposed was taken at the time of Dr. Copleston's appointment. It is understood that the Secretary of State was prepared to dissent from the conclusion suggested to him by Lord Curzon's

(a) D. O. memo., d. Jan. 30, 1902. (237)

Government, but that His Majesty the King declined to act in opposition to the views of the Government of India.

3. *Statutory bishops*.—The change made in the leave rules of these officers will be noticed in para. 13 below. In January 1900 and again in January 1904 the Metropolitan convened a Synod of the bishops of the ecclesiastical province of India and Ceylon. The proceedings did not come formally before Government. In April 1900 Dr. Welldon reported that after a reference to the Archbishop of Canterbury he had instituted honorary canonries in connection with the Calcutta Cathedral. This example was followed by the Bishops of Bombay and Madras. The title of honorary canon is honorific only and carries no legal right, status or privilege. In June 1904 the Government of Bombay represented that the bishop of that diocese, who is not provided with a residence, experienced considerable difficulty in obtaining a suitable house at a reasonable rental, and that his salary, fixed seventy years ago, is inadequate in the conditions now prevailing in Bombay. They accordingly proposed that he should be granted a house-rent allowance of Rs. 300 a month during his residence at headquarters. The interpretation of the English law regulating the allowances of statutory bishops was not free from difficulty, and the Government of India though they considered the proposal reasonable in itself, left the decision to the Secretary of State.^a The Law Officers have, however, advised that the allowance can only be made if the various salaries of the ecclesiastical officers appointed under statute are rearranged so as to impose no additional charge on the revenues of India; and the question must be further considered in the light of this opinion.^b

4. *Non-statutory bishops*.—The condition which was laid down at the creation of the dioceses of Lahore, Rangoon, Lucknow and Nagpur, that the new see should entail no extra expense to the State has hampered Government in dealing with some proposals that were the natural outcome of the expansion of ecclesiastical activities. A proposal to give the Calcutta Registrar an allowance for his work as registrar of the Lahore diocese was for this reason suspended; and requests for the grant of allowances to the archdeacons of Lucknow, Lahore and Rangoon for holding charge of the see during the bishop's absence have been refused. It was inevitable, however, that the four non-statutory bishops should be afforded some clerical assistance, and with the Secretary of State's sanction each has been allowed a clerk. A small allowance has also been granted to the Rangoon Registrar in consideration of the work which he does on behalf of Government.

At the suggestion of the Episcopal Synod held in January 1904 the Metropolitan inquired how the pensions of non-statutory bishops would be regulated, in view of the fact that they begin their service with the status of senior chaplains. His Lordship represented that, having regard to the age at which such bishops are usually appointed, they should not be required to render 23 years' qualifying service, but should be treated as having only ten years more to serve for pension. The Government of India were unable to accept this suggestion: but they considered that the position of the bishops in respect of length of service for pension was not entirely satisfactory and they accordingly obtained the sanction of the Secretary of State to the ruling that they should be allowed to reckon towards the period of their 23 years' qualifying service the number of completed years by which on appointment their age exceeded 30 years, subject to the proviso that five years shall be the maximum period which can be so added.^c

(a) *F. D. desp. no. 97, d. Mar. 9, 1905.* (238)
 (b) *Desp. no. 121-Pub., d. Sept. 15, 1905.* (239)

(c) { *F. & C. desp. no. 341, d. Sep. 22, 1904.* (240)
 Desp. no. 155-Pub., d. Nov. 18, 1904. (241) }

In 1905 the question was raised whether these bishops and their establishments when proceeding to hill stations during the summer months are entitled to draw travelling allowance. It was decided that neither the bishops nor their establishments could be accorded more favourable treatment than officers of other departments who are similarly excluded from the special hill allowance rules: and therefore that no travelling allowance was admissible when the visits of the bishops to hill stations were prolonged beyond the period required for visitations or the performance of purely episcopal functions, and that in no case could the allowance be granted when they spent the entire summer in the hills. The Government of the United Provinces wished to obtain a relaxation of this ruling on behalf of the Bishop of Lucknow, but the Government of India found no sufficient grounds for acceding to the request.

5. *New see.*—In October 1900 the Lord Bishop of Calcutta represented that the duties of Diocesan of the Calcutta see in addition to those of Metropolitan in India and Ceylon were more than one man could adequately discharge. He proposed the creation of a new see in the Central Provinces. The Government of India accepted the suggestion subject to certain remarks upon the legal and financial aspects of the case. By July 1901 the sum of £20,000, which was required for the endowment of the new see, had been collected, and the Government of India were enabled to lay proposals before the Secretary of State.^a It was not till August 1902, however, that the Metropolitan felt himself in a position to ask for the issue of the Letters Patent creating the new see, and appointing the first bishop. By Letters Patent issued on 6th February 1903 the new bishopric of Nagpur was created and the Rev. E. Chatterton, D.D., was appointed to be its first bishop.^b The status of the new bishop is that of a senior chaplain on the Government establishment, the remainder of his stipend being met from the endowment fund. The see proper consists only of the Nagpur and Chhattisgarh divisions of the Central Provinces; but the Saugor and Nerbudda divisions, which lie within the diocese of Calcutta, have been by commission assigned to the care of the Nagpur Bishop who by virtue of informal arrangements exercises spiritual jurisdiction also in Berar and most of Central India and Rajputana.^c Moreover Ajmer-Merwara and the station of Nimach which were previously under the spiritual supervision of the Bishop of Bombay were added in 1904 to the charge of the Bishop of Nagpur, the former by means of a commission from the Metropolitan, the latter by informal arrangement. The official residence of the new bishop will be at Nagpur, and a loan of Rs. 25,000 has been made by Government towards its construction: but in view of the condition attaching to the creation of the new see, *viz.*, that the change should entail no additional expense on the State, the Government of India were unable to agree to an increase in the establishment allowance for the church at Nagpur.

6. *Bishops in native territory.*—In connection with the proposed consecration of the Revd. C. H. Gill as Bishop of Travancore and Cochin in succession to the Revd. Bishop Hodges, the Metropolitan raised the question of the right of himself and the other Indian bishops to consecrate persons to be bishops to work in native states without the Royal license and a mandate from the

(a) *H. D. desp. no. 7, d. Aug. 1, 1901.* (242)

(b) *Desp. no. 28-Pub., d. Mar. 6, 1903.* (243)

(c) Regt.'s letter no. 239-C., d. Apr. 21, 1903.

Archbishop of Canterbury. He urged that the office of consecrating bishops belonged properly to himself and that no restriction is placed on that office by the fact that the bishop to be consecrated has to work in a native state. The Government of India thought that the course proposed involved considerable legal difficulties; but as Dr. Copleston intended to discuss these personally with the Home authorities in London they contented themselves with dealing with the question upon the merits. On this point the Government of Lord Curzon were not entirely agreed. A minority comprising the Governor-General thought that there were advantages of convenience in the Metropolitan's proposal and that the power to refuse recognition to any bishop consecrated or appointed without the consent of Government would sufficiently preserve the control of the Government of India. The majority held it inexpedient to recognise that the Metropolitan and bishops in India who are paid servants of the State had any inherent power to consecrate bishops without the license of the Sovereign, and that if the Metropolitan's view of the law were correct the statute should be amended so as to make the Royal license a necessary preliminary. They did not regard the personal undertaking of the Metropolitan for the time being to obtain the consent of the Government of India to the creation of the new bishopric and to the selection of the bishop as affording an effective guarantee that these essential considerations would be observed by his successors in office.⁴

7. *Presidency Senior Chaplains.*—On a reference made by the General Assembly of the Church of Scotland in 1900 the Government of India agreed that the Governments of Madras and Bombay might select a Bengal chaplain as presidency senior chaplain. It was subsequently decided that all the presidency appointments should be open to the entire establishment, and in communication with the Governments of Madras and Bombay a procedure was settled to give effect to this decision. In 1904 the presidency senior chaplains were permitted to hold a conference on ecclesiastical affairs at Madras and at the request of the conference the Government of India subsequently agreed that such meetings might be held triennially. Two further proposals affecting the heads of the establishment of Scottish chaplains have recently been considered by the Government of India. The General Assembly asked that the pensions of presidency senior chaplains should be increased after an extended period of service and that their status might be assimilated to that of the presidency archdeacons by their being given a similar position in the Warrant of precedence. The Government of Lord Curzon were unable to support the former proposal.⁵ It was already within the competence of the Secretary of State to grant an officer of the ecclesiastical department an extension of service beyond the 25 years period: and the request for an enhancement of pensions had been fully considered and negatived before the concessions sanctioned in 1904 (para. 12) were decided on. As regards the second request the solution which the Government of India recommended was to place the presidency senior chaplains together with the archdeacons of Lahore, Lucknow and Rangoon in a class by themselves in the Warrant of precedence.⁶ The Secretary of State has reserved orders on this suggestion until he has received a reply to his inquiry whether other alterations in the Warrant are desired^a (chap. XII, para. 47).

(a) *H. D. desp. no. 8, d. Aug. 24, 1905.* (244)
 (b) *H. D. desp. no. 7, d. July 13, 1905.* (245)

(c) *H. D. desp. no. 6, d. June 22, 1905.* (246)
 (d) *Desp. no. 98 Pub., d. Aug. 4, 1905.* (247)

8. *Scottish chaplains*.—Chaplains of the Church of Scotland receive pay at the same rates as Anglican chaplains; and the changes narrated in paragraph 12 apply equally to both services. In 1900 the Government of India considered, but were unable to support, proposals made by the General Assembly that junior chaplains should be promoted not by length of service but as vacancies occurred, and that the total strength of the Scottish establishment should be equally distributed between the three presidencies.

9. *Wesleyan ministers*.—In November 1904 the Revd. J. Findlater, a Wesleyan minister who formerly acted as chaplain in northern India, submitted a memorial to His Excellency the Viceroy in which he alleged that Wesleyan ministers in India made an improper profit out of the travelling allowances which they receive from Government for visiting out-stations. The General Superintendent of the Wesleyan Mission, Bengal, who was consulted on the questions raised, forwarded a letter from the General Secretary of the society in London, which gave a denial to the charges and stated that the chaplains had acted in all respects in accordance with what they believed to be the meaning of the regulations and that their practice had been entirely *bonâ fide*. Thereupon the Government of India explained the principles which regulate the grant of these allowances; and remarked that, while it is open to an officer to travel by any class he pleases without rendering himself liable to refund any portion of the allowance, they would be compelled to revise the scale of allowances admissible under rule if, in any case, it were found that a class of officers habitually travelled in a cheaper manner than that with reference to which the standard rates applicable to them were framed, in such a way that their journeys yielded a regular and appreciable profit (whatever might be the purpose to which such profit was applied), as appeared to be the case with the chaplains of the Wesleyan Church.* In reply to further references made to them, the Government of India dissociated themselves from any charges of fraud or dishonesty which might be preferred against the Wesleyan clergy: but pointed out that their practice was not justified by the regulations and stated moreover that these would be amended so as to make it clear that travelling allowance is inadmissible in cases in which ministers hold free railway passes.

10. *Appointments*.—In March 1899 the appointments of the Rev. H. Whitehead and the Rev. G. Lefroy to be Bishops of Madras and Lahore, respectively, were approved by Her late Majesty. In May 1902 Dr. J. E. C. Welldon, who was then on leave in England, resigned his see and Dr. Copleston, Bishop of Colombo, was appointed Bishop of Calcutta and Metropolitan in his place. The appointment of Dr. Chatterton as Bishop of Nagpur has been already noticed (para. 5). In March 1903 the Rev. Mr. Knight was appointed Bishop of Rangoon in succession to the Rev. Dr. Strachan. In October 1903 Dr. MacArthur resigned the see of Bombay and was succeeded by Dr. Pym, Bishop of Mauritius. In February 1905 the Revd. A. A. Williams, late Archdeacon of Madras, was consecrated as Assistant Bishop to the Bishop of Madras to exercise episcopal functions in Tinnevely and Madura, in succession to the Right Rev. S. Morley who resigned his see in October 1903.

In January 1900 the Rev. Mr. Ferrier was succeeded in the office of Presidency Senior Chaplain, Bengal, by the Rev. Mr. Taylor; and in July 1902 Mr. Taylor retired and was succeeded by the Rev. T. Scott. In Bombay the

(a) H. D. letter no. 159, d. Apr. 20, 1905.

Rev. J. Henderson retired from the post of Presidency Senior Chaplain in April 1905 and the Rev. J. Cameron, a Bengal Chaplain, was appointed in his place.

11. *Ecclesiastical establishment*.—Towards the close of the year 1900 a joint memorial was addressed to the Government of India by Bishop Welldon, then Metropolitan, and the Rev. T. Scott, Presidency Senior Chaplain of the Church of Scotland, Bengal, praying for an increase in the number of chaplains of their respective churches. A few months previously the Bishop of Lahore had independently asked for three more chaplains. The question was one which called for the fullest examination with reference, not only to actual needs and the manner in which these had developed during recent years, but also to the previous declarations of Government as to the extent to which in this country it recognised its obligation to provide ministrations for the whole, or for any part, of the Christian population. As regards the Church of England the Government of India concluded that no increase was required in the Madras diocese, but that three new chaplains were needed for the Lahore establishment and two for each of the establishments of Calcutta and Bombay. In the case of the Church of Scotland the Government of India thought no addition necessary. Two Scottish chaplains had been added in 1897; two years later the Government of India had again examined the question with reference to a further representation from the General Assembly, and concluded that no increase was required. The further figures placed before them in 1901-02 confirmed them in this opinion; but they left it to the Secretary of State to decide whether it was on other grounds desirable that an increase in the number of Anglican chaplains should be accompanied by an addition of one or two chaplains to the Scottish establishment.^a In reply Lord George Hamilton appointed seven new chaplains to the English and three to the Scottish establishment.^b The former were allotted to Calcutta, Bombay and Lahore in the proportion previously indicated. In regard to the strength of Scottish chaplains, which this addition raised to eighteen, the Government of India directed that eight chaplains should be reserved to the eight Scottish regiments serving in India; and that each presidency town should be provided with two civil chaplains. As the need for permanent ministrations at Bangalore and Karachi has been recognised, they agreed that the second chaplains for Madras and Bombay might be regarded as attached to those stations. The remaining four chaplains form a leave reserve. For this purpose two were not immediately needed and these were posted for the time being to Poona and Secunderabad.

12. *Conditions of ecclesiastical service*.—In 1892, as a result of representations made by the Secretary of State's Committee on home expenditure to the effect that the pensionary charges of Indian chaplains were excessive, the term of service of chaplains was lengthened from 20 to 23 years. A three years' term of probationary service on a salary of Rs. 400 was also introduced. During recent years various representations have been made to the Government of India that these changes had seriously diminished the attractions of the service. In 1900 the Government of India proposed to raise the pay of probationary chaplains from Rs. 400 to Rs. 450^c; but Lord George Hamilton was unable to accept the recommendation.^d In view of this refusal the Government of India declined to entertain further requests addressed to them by the Metropolitan to the effect that the tour of service might be shortened, or the pay raised at an intermediate stage. Towards the close of 1903, however,

(a) *F. and C. desp. no. 207, d. July 10, 1902* (248)
(b) *Desp. no. 39-Pub., d. Apr. 10, 1903.* (249)

(c) *F. and C. desp. no. 271, d. Aug. 16, 1900.* (259)
(d) *Desp. no. 124-Pub., d. Oct. 25, 1900.* (251)

the Metropolitan and certain chaplains of the Scottish establishment renewed their petitions for easier terms of service. The Government of India on full reconsideration of the question decided that no cause was shown for abbreviating the tour of service, or for assimilating probationers' pay to that of junior chaplains. They recognised, however, the undoubted fact that many junior members of the ecclesiastical service were liable under existing conditions to be involved in financial embarrassments which might easily become a source of scandal to the native population. Accordingly they determined to renew their proposal of 1900 that the pay of a probationary chaplain should be raised to Rs. 450, and to recommend that, as proposed by the Anglican Synod in 1900 and more recently by the Madras Presidency Senior Chaplain, the pay of a junior chaplain should after five years' service in that position be increased to Rs. 650, that salary being granted to him till he attains the rank of senior chaplain at the end of his thirtieth year of service. These proposals were submitted to the Secretary of State in January 1904^a and received his sanction in May 1904.^b They are estimated to entail an immediate increase in the cost of the ecclesiastical establishment in India of about Rs. 70,000 a year. The concessions have afforded much needed relief to and have been welcomed by the junior officers of a comparatively poorly-paid department. More recently however memorials have been received from chaplains of the Anglican and Scottish Churches praying that the pay of senior chaplains may after five years' service in the grade be raised to Rs. 1,000 a month. These are still under consideration.

13. *Leave rules.*—In connection with the emoluments of members of the ecclesiastical establishment arises the question of the leave rules applicable to them. In 1900 the Government of India refused to entertain a representation made to them that the leave provisions for chaplains on the establishment were inadequate: but they adopted in a modified form proposals submitted by the Metropolitan for enabling the three statutory bishops to visit England occasionally when their presence was required there for ecclesiastical purposes.^c The Secretary of State approved of this Government's views and obtained and forwarded His Majesty's warrant amending the rules applicable to the three premier bishops so as to admit of extraordinary furlough being taken for the purpose in view under due restrictions.^d In 1903 the Bishop of Lahore asked that the furlough rules applicable to non-statutory bishops, who were appointed after previous service in India though not necessarily under Government, might be modified: but the Government of India thought that the existing rules as a whole afforded reasonable facilities for leave to such officers and were unable to accede to the request. Further discussion of the amendment of the leave rules of statutory bishops was occasioned in 1904-05 by the case of the Bishop of Bombay. Under the pressure of sudden domestic misfortune Dr. Pym applied in August 1904 for extraordinary leave in order to enable him to return to England to make arrangements for his family. The application was supported by the local Government and by the Metropolitan, but Lord Amphill's Government, conceiving that they were bound to regard the terms of the warrant which made provision for the grant of extraordinary leave, were unable to sanction the leave, as it was avowedly required for private, and not for ecclesiastical, reasons. In spite of their refusal the Bishop left India. The Secretary of State was advised, however, that, notwithstanding the language of the warrant, the Government of India were not legally precluded from acceding to the bishop's application, and

(a) *F. and C. desp. no. 19, d. Jan. 21, 1904.* (252)

(b) *Desp. no. 50-Pub., d. May 6, 1904.* (253)

(c) *F. and C. desp. no. 327, d. Oct. 4, 1900* (254)

(d) *Desp. no. 30-Pub., d. Feb. 15, 1901.* (255)

at his suggestion the leave was retrospectively sanctioned. But in a despatch of November 1904 Lord Ampthill's Government explained their views and recommended that the rule should be altered so as to make it clear that extraordinary leave could be granted to statutory bishops only for the specific purposes for which it was originally provided.^a This recommendation was accepted by the Home Government.^b It appeared to Lord Ampthill's Government that in supporting the bishop's application for leave both the Government of Bombay and the Metropolitan had failed to exercise a due responsibility: but in subsequent correspondence with these authorities the Government of Lord Curzon accepted their assurance that no avoidance of responsibility was intended, and they agreed that the censure conveyed to the Bishop of Bombay upon his dereliction of duty might be expressed in the terms adopted by the Secretary of State in lieu of those employed in an earlier letter from the Government of India.

14. *Churches for troops.*—Far the most important and difficult ecclesiastical question with which Lord Curzon's Government have been called upon to deal is that of making due provision for church services for soldiers of the army in India who belong to the Church of Scotland or to the Wesleyan denomination. The Government in India is of course under a paramount obligation to abstain from applying, to a disproportionate extent, revenues almost entirely derived from its non-Christian subjects, to the provision of spiritual ministrations for its European servants or other Christian residents. But while preserving this general principle, it has long accepted the responsibility for making separate provision in all military stations for the religious services of its Protestant and its Roman Catholic troops. Until recent years it was usual to allow Protestant churches to be consecrated according to the rites of the Church of England: a practice which was free from objection when there were no Scottish chaplains beyond the presidencies and when avowed Wesleyans in the army were few in number, but which, as these conditions altered, has had the effect of placing the control of the principal, if not the only, church in most cantonments in India entirely in the hands of the Anglican bishops. As far back as 1860 the legal advisers of Government held that churches so consecrated might be used for the services of the Church of Scotland by permission of the bishop, which permission might, however, at any moment be withdrawn. In 1898 the rules relating to the use of consecrated churches which were based upon this opinion were revised in a more liberal sense, and were extended in their application to Wesleyan soldiers. But for some time past the Church of Scotland has challenged the sufficiency of any such arrangement. It claims recognition and parity of treatment with the Church of England and it asks that proper facilities for its worship may be provided at the charge of Government. A further complication arose from the fact that, while the policy of Government as expressed in the rules contemplated that not only parade services but also marriage services and the sacraments and other offices of the church should be permitted in consecrated churches with the assent of the bishop, the Anglican Synod of 1900 adopted a resolution declaring that they interpreted the rules as having reference to parade services only. The former Metropolitan, Dr. Welldon, expressed his readiness to consider particular cases upon their merits though he was unable to agree to any general rule. But at the same time the attitude which individual bishops felt constrained to assume in the particular instances in which the question took practical shape was such as to lend no colour to the expectation that a solution would be found in the con-

(a) *H. D. desp. no. 4, d. Nov. 8, 1904.* (256)

(b) *Desp. no. 150-Pub., d. Dec. 23, 1904.* (257)

ciliatory action of the senior church. On the other hand, the Church of Scotland have made it clear that they expect Government to make adequate provision for the administration of all the offices of religion to Scottish soldiers and their families. The further question of the provision of new churches was attended with similar difficulties. In 1901 the Secretary of State decided that new churches should be consecrated only in stations where separate accommodation for Presbyterian and Wesleyan worship existed and that in other cases, unconsecrated churches to be jointly used by the several denominations must suffice.^a Against this decision the Anglican authorities immediately protested. It amounted, they said, to a radical change in the ecclesiastical policy of Government which they must strenuously resist; and they inquired if Government intended a similar change in respect of Roman Catholic churches and, if not, how such inequality of treatment could be justified. Nor did the proposal to construct joint unconsecrated churches find greater acceptance with the Scottish church. In November 1899 the Secretary of State had promised the authorities of that church that Government would build and make over to them separate churches wherever Scotch regiments were permanently or constantly stationed. As soon, therefore, as the Government of India had selected certain cantonments as suitable places in which to erect unconsecrated churches, the question arose whether these fell within the terms of the Secretary of State's pledge. Enquiry showed that none of the six stations selected could be said to do so. Lord George Hamilton thereupon decided to abide by the scheme for joint churches under the control of Government to which, however, the Presbyterians should ordinarily have priority of claim over the Wesleyans. Save in respect of Rawalpindi where they pressed for a separate church, the home authorities of the Church of Scotland accepted this decision. But their acceptance was limited to the cases of stations where no consecrated Anglican church existed: in stations where on the contrary consecration had been permitted they claimed to control the additional church which would be provided. In India, however, the scheme for joint churches was disapproved of impartially by both Presbyterians and Wesleyans. Indeed the representative in India of the former body preferred to accept the offer of a grant-in-aid for a separate church at Rawalpindi rather than to acquiesce in the idea of a joint church there. This was the station in respect of which the General Assembly considered that Government should itself build a Scotch church—a view which the Secretary of State subsequently accepted. The Wesleyan representatives were equally emphatic in preferring grants-in-aid to enable them to build separate churches: and in 1901 the Government of India intimated that they were prepared to meet their wishes.^b The Secretary of State's orders on the proposals submitted to him were received in May 1902.^c On behalf of the Presbyterians he considered that Government should construct a separate church at Rawalpindi and at other military stations where large numbers of troops are quartered and Scottish regiments are liable to be sent. He drew a sharp distinction between the circumstances of the established Church of Scotland and those of the Wesleyan denomination, and the degree of Government assistance which either body was entitled to expect; and, subject to examination of the question whether pewage grants should not be correspondingly reduced, he accepted the proposition that assistance to the Wesleyans should take the form of grants-in-aid.

(a) *Desp. no. 3-Pub., d. Jan. 11, 1901.* (258)

(b) *H. D. letter no. 389, d. Aug. 27, 1901.*

(c) *Desp. no. 41-Pub., d. May 2, 1902.* (259)

By the middle of 1902 when these orders were received the discussion had attained to a degree of acuteness and complexity which led the Government of India to review the subject exhaustively *de novo*. The position was then roughly as follows :—In respect of parade services a compromise had been effected which satisfied neither party. As regards other services a deadlock had been reached. The refusal to allow new churches to be consecrated was resented by the Anglicans: the scheme for joint churches pleased neither Presbyterians nor Wesleyans: the Church of England and the Wesleyans complained that they were less liberally treated than the Church of Rome, and the Church of Scotland objected that she was less generously regarded than the Church of England. In these circumstances, though with the conviction that the present impasse was attributable less to an illiberal conduct of the negotiations than to the ordinary incidents of a difficult controversy, the Government of India resolved that the only complete solution of the problem lay in the provision (in ordinary circumstances) of separate accommodation for each of the three Protestant denominations towards which they recognised their responsibility. Wherever an Anglican consecrated church existed, and a reasonable case was made out for providing separate accommodation for Presbyterian worship, they proposed to build a separate Scottish church. In cases where no consecration had taken place and a single church would be structurally sufficient for the needs of all Protestant troops, it might, they recognised, be argued that a joint unconsecrated church was all that was required: but holding that the practical objections to the adoption in India of the system of joint churches were very serious, the Government of India proposed that even in such cases, *i.e.*, where the number of troops was so considerable that it is reasonable though not absolutely necessary to make separate provision for Anglicans and Presbyterians, such provision should be made at the expense of Government. In both classes of cases, Wesleyans should, if necessary, be assisted with grants-in-aid. There remained only the case of small stations where more than one British regiment is never present. In such cases the Government of India considered that they would not be justified in building separate churches of which all but one must always be almost unused. For such stations one unconsecrated common church under Government control must suffice, unless the various denominations cared to bear the additional cost of providing separate accommodation. In that event Government would be prepared to give them grants-in-aid within the limits laid down and subject to the condition that the total grants should not ordinarily exceed the cost of a joint church.^a These proposals were accepted by His Majesty's Government^b whose decision was communicated to local Governments and to the heads of the respective churches in India in June 1903.^c In future applications for Government assistance in providing additional church accommodation will be scrutinised in the first instance by the local Government concerned. The immediate result of the proposals was a decision to build and to make over to the Presbyterians churches at Rawalpindi, Sialkot, Lucknow, Chakrata and Ranikhet; and to assist the Wesleyans with grants-in-aid of churches which had been or were to be built at Kirkee, Mhow, Ferozepore, Meerut and Dum-Dum. More recently the Government of India have sanctioned the construction of Presbyterian churches at Umballa and Peshawar and have made a grant-in-aid of a new Wesleyan church to be built at Umballa. The work of construction has been inevitably delayed by the

(a) *F. and C. desp. no. 353, d. Dec. 11, 1902.* (260)

(b) *Desp. no. 38-Pub, d. Apr. 10, 1903.* (261)

(c) *H. D. letters nos. 243—257, d. June 22, 1903.*

discussion of sites, plans, and estimates, but the Government of India have intimated their willingness to meet the wishes of the Church authorities on these points and the erection of the churches will, it is hoped, not be long deferred. In June 1905 the Secretary of State sanctioned a grant from the provincial revenues of Bengal towards the liquidation of the debt outstanding on the Anglican church at Chandernagore.

The difficulty, already alluded to, of meeting on the one hand the desire of the Anglicans for consecrated churches and on the other hand the claim of the Presbyterians to the unrestricted use of churches for their services was further illustrated in the case of the small military station of Lebong where no provision exists for Presbyterian or Wesleyan services. In this cantonment the Government of India in pursuance of the settlement of 1903 offered the Metropolitan a grant of Rs. 13,500 towards the cost of a separate consecrated building for the Church of England. They had the less hesitation in making this offer as the question of providing an unconsecrated building for the use of Presbyterians or Wesleyans had not arisen and might well be deferred until the necessity arose. But the offer immediately drew from the Scottish Church authorities both in England and India the protest that, as the remainder of the Government grant available would not justify them in spending money for the construction of a separate church which they would only occasionally require, their concurrence should have been secured before a consecrated church was permitted.^a Accordingly the Government of India decided that in future in all small military stations a single unconsecrated church for the joint use of all three denominations should be constructed, and that an apportionment of the local grant admissible should not be made between them except in the rare event of their common agreement. But as the withdrawal of the offer to the Anglicans at Lebong would be embarrassing, the Government of India asked the Secretary of State to allow the offer in this particular instance to hold good and to agree to the erection of a separate building for the use of the Presbyterians and Wesleyans.^b

15. *Use of consecrated churches.*—As already stated, the revision of the rules for the use of consecrated churches which was undertaken in 1898 left them open to criticism in two important respects. The Scottish Church objected to the emphasis which was laid upon the necessity for an application to the bishop, and the Anglican bishops preferred not to recognise that the rules had any application to services other than parade services. In September 1902 the Secretary of State consulted^c the Government of India upon a proposal, which the General Assembly had made to him, that the rules should be simplified and revised. The Government of India agreed that the form of the rules was open to criticism^d and after consulting the Metropolitan they submitted to the Secretary of State a re-draft of the rules designed to meet the views of the Scottish Church authorities and at the same time to distinguish more clearly matters of recital from substantive provisions.^e The revised rules have been accepted by the Secretary of State.^f In the meantime, however, the refusal of the Bishop of Nagpur to permit the use of a consecrated church at Kamptee for a Presbyterian wedding led the Government of India to consider the question whether such further amendment is not required as to make it clear that the rules relate not to parade services alone but to all the other offices of the church.^g Meanwhile the Anglican

(a) *Desp. no. 7-Pub., d. Jan. 13, 1905.* (262)
 (b) *F. D. desp. no. 253, d. July 13, 1905.* (263)
 (c) *Desp. no. 89-Pub., d. Sep. 5, 1902.* (264)
 (d) *H. D. desp. no. 7, d. Dec. 11, 1902.* (265)

(e) *H. D. desp. no. 3, d. May 7, 1903.* (266)
 (f) *Desp. no. 59-Pub., d. Apr. 1, 1904.* (267)
 (g) *H. D. letter no. 519, d. Nov. 9, 1903.*

bishops in Synod assembled in January 1904 took the general question into consideration and resolved to permit the use of consecrated churches by other denominations for other services than parade services, except for the celebration of the Holy Communion and for the solemnization of such marriages as ministers of the Church of England cannot lawfully perform.^a The Government of Lord Curzon regarded this compromise as representing as liberal a concession as was in the circumstances to be expected, and embodying the decision in an amended version of the rules laid them before the Secretary of State for approval.^b But the Home authorities of the Church of Scotland objected vehemently to the refusal of the churches for the celebration of the Communion service; and the Secretary of State after discussing the question with a deputation representing the Scottish Church invited the Government of India to consider whether a solution could be found by erecting temporary chapels for the use of communicants, or by posting Scottish regiments only to stations where a Scottish church existed, or by providing separate Scottish churches at all large cantonments, in which under the military redistribution scheme, all British troops in India would by degrees be concentrated.^c Lord Curzon's Government could not regard any of the suggestions as offering a satisfactory and final solution. They undertook to bear in mind the proposal that Scottish regiments should, so far as possible, be sent only to stations where unconsecrated churches had been provided, but they pointed out that military considerations must predominate and that cases must occur when such an arrangement was impossible. The erection of temporary chapels for communicants was a make-shift solution open to various objections, and the Government of India decided that no general rule could be laid down and that when a Scottish regiment was sent for any length of time to a station where no Presbyterian or unconsecrated church existed they must be guided by the requirements of the particular case in determining whether to provide a permanent or a temporary structure.^d

16. *Pewage and capitation allowance*.—Closely connected with the provision of church buildings for the accommodation of soldiers is the question of the pecuniary assistance given to the denominations which either provide such accommodation for soldiers in their own churches, or afford them spiritual ministrations. For sittings in churches it had been the practice to grant pewage at the rate of Rs. 3 per annum per seat: while for ministrations to troops was granted a monthly capitation allowance of Re. 1 per man up to 100, with 8 annas in addition for each man beyond 100. The objections attaching to State contributions in this form were that while the charges were, speaking generally, constant, the allowances were fluctuating and uncertain. From representations received from the Presbyterian and Wesleyan churches the Government of India had reason to think that they would both welcome a change which resulted in their receiving a determined and constant subsidy. After reviewing the past history of the growth of the allowances and examining the sums actually paid in past years, they proposed to the Secretary of State to compound with the Presbyterian Church authorities for an annual grant of Rs. 25,000 on account of capitation allowances, and with the Wesleyans for a similar grant of Rs. 37,500. It was intended that the settlement should be open to revision after every five years' period. But examination of the grounds on which pewage had been fixed at Rs. 3 per seat showed that this figure was too small to include some of the items which it might reasonably be expected to

(a) Bishop's Chaplain's letter no. 80, d. Jan. 27, 1904.
(b) H. D. desp. no. 2, d. Mar. 24, 1904. (268)

(c) Desp. no. 121-Pub., d. Aug. 26, 1904. (269)
(d) H. D. desp. no. 3, d. May 18, 1905. (270)

cover. The Government of India accordingly proposed to adopt a standard rate of Rs. 7 per annum per seat in future: and to give the Wesleyans a consolidated annual grant of Rs. 8,500 on this account.^a The Secretary of State accepted the principle of these proposals and agreed to the adoption of the standard rate of Rs. 7 for pewage: but desired that the question of capitation grants should be further considered with reference, in the case of the Presbyterians, to the recent addition of new chaplains noticed in paragraph 11 above, and, in that of the Wesleyans, to recent increases in the numerical strength of that community.^b Fresh statistics were accordingly obtained with some difficulty, and finally in December 1904, in view of the improbability of arriving at any figures which were likely to prove acceptable to the denominations concerned and the probability of reviving a long discussion whenever the terms of the settlement should be revised, the Government of India decided to abandon the proposal to give fixed grants in lieu of capitation and pewage allowances.^c The only practical outcome—in itself an important one—of the discussion thus was that the rate of pewage was raised from Rs. 3 to Rs. 7 in December 1903. A necessary corollary to this decision was the ruling of July 1904 that when a church had been built at Government expense or with a grant from Government the pewage otherwise admissible should be reduced by the amount of interest on the sum contributed by Government. The decision was accepted by the Wesleyan Church authorities, but advertent to the initial objection taken to the uncertain character of the existing allowances they have recently suggested that the system of granting fixed allowances at certain stations should be extended, the minimum rate being raised from Rs. 150 to Rs. 250; and that a limit of time should be fixed after which the deduction on account of interest should cease.^d These suggestions are still under the consideration of Government.

17. *Kirk Sessions*.—In 1899 in consequence of a memorial received from the Kirk Session of Bombay, the Government of India undertook legislation to declare every duly constituted Kirk Session of the Church of Scotland in India a corporate body with full powers as trustees for all funds entrusted to it: and in pursuance of this intention the constitution of Kirk Sessions at Calcutta, Madras, Bombay, Poona, Allahabad, Bangalore, Secunderabad and Simla was subsequently notified. In 1901 certain dignitaries of the Church of Rome in India asked for similar legislation on their behalf: but the Government of India were unable to deal with their request in the absence of further information regarding their position and wishes, which has hitherto not been furnished.

18. *Ecclesiastical rules*.—The standing rules relating to the maintenance and control of Government churches and cemeteries have been from time to time revised or amplified as occasion required. Two of the changes deserve mention. In 1902 the Government of India decided to authorise local Governments to sanction expenditure for small additions and alterations in existing churches up to a limit of Rs. 1,500 in each case. In 1903, upon a reference from the Government of the United Provinces, they agreed that a wheeled bier should be provided for use in all stations where no hearse or other suitable means of conveyance was available.

(a) F. and C. desp. no. 352, d. Dec. 11, 1902. (271)
(b) Desp. no. 98-Pub., d. Sep. 4, 1903. (272)

(c) H. D. desp. no. 5, d. Dec. 29, 1904. (273)
(d) Desp. no. 73-Pub., d. June 2, 1905. (274)

19. *Subsidiary rules*.—In 1901 it was decided to issue more detailed rules regarding the erection, endowment, and upkeep of monuments in public cemeteries. The endowment fees were revised so as to provide sufficient means for all ordinary repairs, and the charge of the accounts was transferred from the chaplains to the Public Works officers. The Government has decided to defray the cost of maintaining all single stone monuments set up to the memory of British soldiers by their wives or children, or erected by soldiers in memory of their wives, children, or comrades. The monuments over the graves of Boer prisoners of war will also be maintained by Government. Some inconvenience has lately resulted from the co-existence of two different sets of rules and the question of amalgamating them is before Government.

20. *Ecclesiastical returns*.—The Government of India have from time to time issued orders to check the delays which are apt to occur in the transmission of returns relating to baptisms, marriages and burials, especially in the case of out-stations. In 1900 the Baptist community in Bengal asked that they should be allowed to submit returns of births registered instead of baptisms, as the denominational practice of deferring the latter ceremony deprived a certificate which related to it of any value as evidence as to date of birth: and in communication with the Secretary of State the Government of India arranged to grant this request.^a In the same year the Madras Government raised certain questions relating to the custody of church registers and the payment of fees for searches or copies. After consulting other Governments the Government of India ruled that the chaplain, or where there was no resident chaplain, the church trustees or the district magistrate or other local official should take charge of the records. Fees should be paid to the chaplain if there be one: otherwise they should be devoted to the church funds. In 1899 the Government of Bombay with the object of rendering more effective the operation of the optional registration Act of 1886, proposed the amalgamation of baptismal and burial returns with the births and deaths registration for which the Act provides: but the Government of India explained that the two systems served different purposes and intimated that in the absence of further evidence of necessity they were not prepared to take action as proposed. The question of the power of lay trustees, in the absence of the chaplain, to sign and issue returns, extracts, or copies from baptismal, marriage, or burial registers has recently occasioned some discussion. The law officers both in Madras and Bombay have advised that extracts or copies authenticated by such persons are not admissible in evidence in a court of law. This opinion is likely to occasion considerable difficulties in practice and the Government of India are considering how to meet them.

21. *Persian Gulf*.—In 1902 the Bishop of Lahore raised the question of providing spiritual ministrations for Government servants in the Persian Gulf ports and the British gunboats stationed there. For this purpose he proposed to depute a chaplain of the Additional Clergy Society from Karachi for three months in the year, during which period he asked that the chaplain's salary might be defrayed from Indian revenues. After ascertaining that these suggestions were approved by the Metropolitan, the Government of India, considering that British interests in the Gulf might fairly be held to extend to ecclesiastical, no less than to commercial or political, matters, determined to support the proposal. They considered it essential, however, that the gulf and the adjacent territory

(a) H. D. desp. no. 3, d. Aug. 2, 1900. (275)

including Maskat and Basrah should first be placed under the superintendence, however informal, of an Indian bishop, or that the arrangement should at least be approved by the ecclesiastical authorities at home.^a On the question being referred to him the Archbishop of Canterbury saw no objection to the proposed arrangement: and it was subsequently settled in correspondence between His Grace, the Bishop of London, and the Metropolitan in India that the Bishop of Lahore should under authority from the Metropolitan exercise jurisdiction over the areas to which the visitant chaplain would minister.^b

22. *Marriage-law of native converts*.—In March 1900, Mr. J. D. Rees, Additional Member of Council, asked permission to introduce a short bill to expedite and cheapen the procedure provided by the Native Converts Marriage Dissolution Act, 1866. The proposal affected the religious usages of certain classes of Her Majesty's subjects and therefore required the Governor General's sanction under the Indian Councils Act. This sanction Lord Curzon was unable to accord as the proposal was made at too late a period of the legislative session. The question was revived in 1901 in consequence of certain petitions presented during the Governor General's tour in southern India, and in October of that year the Madras Government were consulted upon (1) the amendment of section 6 of the Act so as to confer final divorce jurisdiction on authorised subordinate civil courts: (2) the curtailment of the various periods which must under sections 12, 15 and 17 of the Act intervene before dissolution of marriage: and (3) the expediency of increasing the number of interviews prescribed by the Act. The Madras Government were opposed to the first proposal, but agreed with the Government of India that the intervening periods might be reduced. In March 1902 other local Governments were consulted in regard to the latter proposal. In desiring their opinions the Government of India made it clear that they had no intention of reopening any question of ecclesiastical doctrine or of altering the law except as regards matters of procedure. The replies of the local Governments, however, showed that the consensus of opinion required to justify legislation was not forthcoming and the project was accordingly abandoned. In April 1905 the Superintendent of the Wesleyan Mission, Bengal, enquired how Government would regard a proposal to abolish or to reduce fees payable on applications for divorce *in formâ pauperis*. He apprehended that evil consequences must ensue from the fact that even the low fees payable on such proceedings were often beyond the means of native converts who were, when deserted by their husbands or wives, consequently unable to qualify themselves for a second legal marriage. The Government of India replied that they could consider such a proposal only if supported by the strongest possible assurances that the measure was required on the ground both of existing hardship and of the general public well-being.

23. *Miscellaneous*.—Under this heading may be briefly noticed various minor matters. In 1899 it was found necessary to pass an Act in the Governor General's Legislative Council to validate certain marriages irregularly solemnised or certified in the native states in the Madras presidency. In 1903 the United Missionary Conference at Lucknow asked for the amendment of certain sections of the Indian Christian Marriage Act with a view to the prevention of child marriages. The Government of India replied that to enact an age limit for Christian

(a) *F. and C. desp. no. 123, d. May 21, 1903. (276)*

(b) { *Desp. no. 104-Pub., d. Sep. 11, 1903. (277)*

{ Bishop's Chaplain's letter no. 132, d. Feb. 15, 1904.

marriages in India would be a difficult undertaking and that the evidence of necessity was not strong. They were prepared to consider more specific information regarding the alleged evil, but this was not supplied. When the cantonments in the Nizam's territory were handed over in 1903 to the Government of His Highness, the churches at Jalna and Hingoli were made over to the charge of the Bishop of Madras; and the cemeteries at these and other places were placed under the care of the Resident at Hyderabad. In 1905 the Government of India in consultation with local Governments decided to permit all ecclesiastical officers to be provided at the expense of Government with such supplies of stamps and stationery as they may reasonably require for *bonâ fide* official correspondence. In the Punjab the amount of the establishment allowance admissible to second and third class Government churches has also been raised. The provision of houses for cemetery chaukidars in the Madras presidency was sanctioned in February 1905.

CHAPTER VIII.

LOCAL SELF-GOVERNMENT.

(a) MUNICIPAL.

General development.—In 1898-99 there were 754 municipalities in British India and in 1902-03 the number had increased to 760. It has since been reduced by the conversion of certain smaller municipalities in the United Provinces into notified areas. The population within municipal limits has increased during the same period by nearly a million people. The total municipal income increased during the same time from 651 to 871 lakhs and the incidence of taxation rose from Rs. 1·84 to Rs. 1·98. The total annual expenditure also rose from 625 lakhs to 867 lakhs of rupees.

Before dealing with general matters of municipal administration it will be convenient to notice the main events in the history of the more important municipalities.

2. *Calcutta reforms.*—The largest reform effected during the period of Lord Curzon's viceroyalty was the reconstitution of the Calcutta Corporation and the entire revision of municipal administration in that city. Under the former Calcutta Municipal Act, 1888, the municipal administration of Calcutta vested in the corporation, consisting of a chairman and 75 commissioners, 50 of whom were elected by 25 ward constituencies and the remainder were appointed by Government or nominated by the Chamber of Commerce and certain other bodies specially interested in the civic welfare. Though the administration of so large a city clearly required a mechanism admitting of prompt, steady and efficacious action, there was a lack of motive power in the existing constitution and energies were expended far more in criticism than in action. The deliberative body had large powers of interference with the executive, and although some large schemes of improvement were laboriously carried through, parts of the city were allowed to remain in a grossly insanitary condition. The threatened approach of plague emphasized not only the far-reaching consequences which might ensue from shortcomings in the conservancy of the city, the lack of a proper drainage system, an insufficient water-supply and a disorganized health department, but also the pressing necessity for taking effective measures to reduce the overcrowding of certain quarters. Nor was it only the sanitary aspect of affairs that called for remedy. Rates were not properly collected; accounts were in confusion; the subordinate staff were demoralised; European members refused to share in the work of a body which wasted valuable time in infructuous debate; party spirit was rampant and the office of commissioner was becoming a profession and in some cases a corrupt profession; and as a general result the municipality was uncertainly and ineffectively administered.

Lord Elgin's Government had accepted Sir Alexander Mackenzie's representation that amending legislation was required; and a bill revised in select committee came before Lord Curzon's Government in May 1899. To them it appeared that the bill was in certain respects capable of being further improved: they thought that it laid too great a burden on the general committee and that the constitution of this body should be modified: further they suggested that the numerical strength of the corporation should be cut down to fifty.*

(a) { *H. D. letter no. 93, d. June 17, 1899. (278)*
 { *H. D. desp. no. 2, d. June 22, 1899. (279)*

These proposals were accepted by Sir John Woodburn who had succeeded Sir Alexander Mackenzie as Lieutenant-Governor. The bill was strongly opposed by a large section of native opinion in Calcutta, and during the course of the discussions upon it 28 commissioners resigned. It became law, however, with effect from April 1, 1900 as Bengal Act III of 1899. Under the new Act the total number of commissioners was reduced to fifty of whom twenty-five are elected, one for each ward, and the remainder are appointed as follows:—fifteen by the local Government, four each by the Chamber of Commerce and the Trades' Association and two by the Port Commissioners. The number of members of the general committee was restricted to twelve, who are appointed in equal proportions by the elected commissioners, by the appointed commissioners and by the local Government from among the commissioners. This arrangement ensures that the three chief interests in Calcutta, *viz.*, (a) the European commercial community, (b) the Government, and (c) the residents, house-owners and ground landlords are adequately represented on the governing body. Further the Act defines the respective powers and functions of the corporation, of the general committee and of the chairman, who has control of the municipal establishment; and elaborate provisions based on the most modern European models have been adopted in respect of such matters as building regulations, water-supply and drainage.

In spite of the local unpopularity of the new constitution, and of the marked refusal of many of the more experienced commissioners to assist in developing its utilities, much has been done since 1900 to place the municipal administration in Calcutta on a sounder footing. The immediate task before the regenerated corporation was the reorganization of every department of the municipal machinery. The first and most important reform undertaken was the reconstruction of the three great spending departments, *viz.*, those of engineering, public health and conservancy. The conservancy department which had hitherto been under the charge of the health officer was amalgamated with the engineering department; a separate building department was formed under a qualified architect and engineer; and municipal work generally was decentralised by the division of Calcutta into four districts, each equipped with a local office and a complete establishment for the working of the different departments. The new practice of holding meetings of the ward commissioners in the district offices has had good results, as useful schemes are suggested and discussed at these meetings and ratepayers' wants are brought directly to the notice of the executive. The development of this system is thought to promise great improvements in the municipal government of Calcutta. The collection department and the secretary's, assessor's, accounts and license departments have all been reorganized. None of the corporation's efforts towards improvement however have met with such immediate and marked success as their reform of the collection department. The collections during 1902-03 amounted to 99·08 per cent. of the demand, whilst less than 2 per cent. of the collections were realised by recourse to coercive measures. The accounts department of the municipality, however, incurred severe criticism towards the end of 1904. On the special committee of the time opponents of the Act of 1899 were largely represented, and their review of the annual report, which was not eventually adopted by the corporation, was probably coloured by their political opinions; but it amounted to a sharp attack on the existing administration and the discussion led the Government of Bengal to enquire into the matter. The

Government of India accepted the local Government's conclusion that the inefficiency of the department was mainly the result of past mismanagement which it would take time to remedy. In the meantime an important step had been taken in the decision to raise the salary of the chief accountant so as to secure the services of a really competent officer.

The two chief constructive works which the corporation have at present in hand are the schemes for suburban drainage and a continuous water-supply. The former is being pushed on vigorously, and the drainage department may be regarded as among the most efficient branches of the corporation. The continuous water-supply has also been extended to several new areas but will not embrace the entire city for some time to come. An expert has recently been obtained from England to advise upon some of the difficulties attending the scheme, not the least of which lies in the great waste of water in areas unsupplied with meters. Good progress has been made in the improvement or clearance of *bastis* and the opening out of insanitary areas. One refuse destructor has also been erected and a second is rapidly approaching completion. Large sums have been spent on conservancy and a certain improvement is noticeable in the condition of the streets. The financial position of the corporation is thoroughly sound.

Without reference to the Government of India the Lieutenant-Governor of Bengal recently assembled a committee to discuss a scheme for further decentralising the work of the municipality with a view to legislation being eventually undertaken with this object. The Government of India assented to the deputation of Mr. Allen, a member of the committee, to study similar municipal developments in Europe, as they considered that the knowledge which that officer would acquire would in any event be valuable; but they entirely declined to commit themselves to an opinion regarding the merits of the scheme itself, and they regretted the publication of the Lieutenant-Governor's intentions, without previous reference to them, as likely to initiate a discussion in which the controversies attending the reform of the corporation in 1899 might not improbably be revived. They thought it quite possible that effective decentralisation could be arranged without an amendment of the law.^a

3. *Calcutta improvements*.—The progress achieved by the corporation with the ordinary means open to it has been described above. But the necessity for taking extraordinary measures to open out the congested areas of Calcutta has long been recognised. In July 1899 the local Government formulated a scheme for the construction of $15\frac{1}{2}$ miles of new streets at a cost of five crores, to be met half by the sale of surplus lands and frontage rates, and half by a tax on jute. The Government of India were unable to approve the latter proposal: but were prepared to offer a grant of fifty lakhs if a Trust could be formed to borrow the remainder of the money required and taxation could be increased so as to provide an adequate sinking fund for the repayment of the loan.^b The Secretary of State to whom this proposal was reported^c reserved his orders regarding the suggested grant, and stipulated that the cost of the improvements should fall upon the Calcutta municipality and that adequate taxation should be imposed to meet it, any possible deficit being made good if necessary by special taxation within the province of Bengal.^d In January 1902 the Bengal Government submitted a detailed scheme which after careful examination the Government of India decided to recommend to the Secretary of State.^e It contemplated

(a) H. D. letter no. 57, d. June 2, 1905.

(b) H. D. letter no. 106, d. June 8, 1900. (280.)

(c) F. & C. desp. no. 196, d. June 21, 1900. (281.)

(d) Desp. no. 212 (Rev.), d. Dec. 6, 1900. (282.)

(e) F. & C. desp. no. 181, d. June 26, 1902. (283.)

the construction of $15\frac{1}{2}$ miles of new streets at a net cost of 187 lakhs : it is proposed to call into existence an improvement trust to raise by loan the sum of 233 lakhs, and to receive from the corporation contributions enabling it to pay off 96 lakhs of these on the completion of the works in twenty years' time : and it provided for the corporation's being enabled to make these contributions from the annual growth of its consolidated rate, and from other sources. The Secretary of State, however, intimated that he could not approve the proposal that Government should give a grant of 50 lakhs or guarantee the loans, unless a municipal contribution of $1\frac{1}{2}$ per cent. upon the total rateable value of all lands and buildings in the city were secured to the Trust, and unless the proposed limitation of the corporation's annual liability were abandoned.^a With a view to facilitating the discussion of a project the details of which were far too complex for expeditious settlement by official correspondence, the Lieutenant-Governor then assembled an informal conference on which both the Government of India and the corporation were represented, for the purpose of framing new proposals. These reached the Government of India shortly before Lord Curzon's departure for Europe in April 1904. They dealt on wider lines with the whole question of relieving the congestion of the metropolis, by providing not only for new roads but also for the acquisition and improvement of land for the rehousing of ejected occupants as well as for the natural expansion of the city, and for the construction of open spaces in crowded areas ; and they contemplated the raising of some fifteen lakhs annually by new taxation in the shape of an additional income-tax, succession and transfer duties, a terminal tax on railway passengers, and a tax on jute. After careful examination during the summer of 1904 the Government of India accepted the main lines of the proposals. They agreed that the improvements must be carried out by a Trust appointed by Government and could not be left to the corporation ; that no detailed scheme could for the present be prepared and that the functions of the Trust could be defined only in general terms ; that the cost might be taken at 822 lakhs of which 336 lakhs would be made good by recoupment and 50 lakhs contributed by Government, leaving a balance of 436 lakhs to be borrowed. The proposals regarding additional taxation received particular scrutiny. The suggestion to tax jute had been negatived in 1899 but the financial position had materially altered since that time and after consideration of the new arguments adduced the Government of India decided to support the proposal. In doing so they gave weight to the considerations that though Calcutta is the financial and administrative head-quarters of the jute trade, the mills and presses being situated mostly outside municipal limits escape taxation, while their employés and dependents enjoy municipal conveniences and contribute to the congestion of the city but pay practically no taxes. If the tax were hereafter needed for Imperial purposes the proceeds could be resumed at will and meanwhile the impost would be far too light to affect the trade in jute.^b The suggested succession and transfer duties were further discussed with the Government of Bengal, and mainly in view of the difficulties presented by the Hindu system of joint family property the Government of India were inclined to prefer a special owners' rate of Re. 1 per cent. The proposed terminal tax was tentatively retained subject to further public criticism. The additional income tax of half a pie per rupee was also accepted. An alternative proposal to tax petroleum was rejected by the Conference. The Secretary of State's reply was received in January 1905. He accepted the

(a) *Desp. no. 180 (Rev.), d. Nov. 7, 1902.* (284.)

(b) *F. & C. desp. no. 837, d. Sep. 15, 1901.* (285.)

scheme generally and authorised the initiation of legislation for the purpose. He pointed out that certain difficulties attending the levy of additional income tax would need careful consideration and he preferred that in lieu of increasing the tax on jute beyond $\frac{1}{4}$ per cent. as the Government of India were prepared to do, if necessary, the contribution to be levied from the corporation should be raised. He dissented from the proposal that the Trust should be empowered to acquire properties at a maximum value of 25 years' purchase, and he declined to make special provision for relieving the corporation of liabilities remaining after the expiry of the 60 years' period proposed for the scheme.^a On receipt of the Secretary of State's views the Government of India somewhat modified the scheme of taxation so as to provide alternative sources of revenue in the event of some of those proposed by the Conference being found unworkable; and in July 1905 they remitted the whole project to the local Government for full discussion with the corporation and other representative bodies and the public generally.^b A brief summary of the revised proposals will show how comparatively light is the burden of additional taxation in relation to the magnitude of the operations involved. Out of the annual sum of 18½ lakhs required to finance the loans, more than four lakhs will be obtained from the corporation without additional taxation; and over five lakhs will be yielded by the tax on jute, by far the greater portion of which will probably be borne by consumers beyond Calcutta. The special additional taxation falling ultimately upon the city represents in fact only about a quarter of the whole cost of the scheme.

In the early part of 1902 His Excellency the Governor General personally drew attention to the unsatisfactory condition in which the streets and public places of the central area of Calcutta were maintained, and at the instance of the Government of India the corporation were called upon to cause the paving, conservancy and lighting of this locality to be brought into a state of complete efficiency.^c A grant of 1.18 lakhs was made towards the initial expenditure involved, and an annual grant of Rs. 10,000 for maintenance charges from imperial and provincial revenues.^d Other important improvements in the amenities of Calcutta, which were undertaken at the personal initiative of Lord Curzon, were the reconstruction of Dalhousie Square and the opening of Kidderpur Park: these are noticed in Chapter XII.

4. *Calcutta loans.*—In January 1899 the Government of India sanctioned the raising of a debenture loan of four lakhs repayable in ten years for plague expenditure, and in August of the same year they agreed to a further loan of 25 lakhs repayable in twenty-five years, for works in connection with the drainage and water-supply and the construction of a new municipal office and other improvements. In March 1900 another loan of 2½ lakhs repayable in ten years was sanctioned to meet plague charges. During the year 1901 sanction was given to the raising of three loans of 6, 5 and 25 lakhs, respectively, of which the second was for plague expenditure and the two others for the improvements above referred to. In March 1903 a further loan of 15 lakhs was sanctioned for expenditure on various works of public utility. In June of the same year the corporation asked for another immediate loan of 56 lakhs, but the application was unsupported by complete information, and the Government of India were able to approve only of the raising of a loan of 30 lakhs in the first instance. They also drew the attention of the local Government to the ill-considered action

(a) *Desp. no. 1-Rev., d. Jan. 6, 1905.* (286.)
 (b) *H. D. letter no. 93, d. July 18, 1905.* (287.)

(c) *H. D. letter no. 114, d. July 3, 1902.* (288.)
 (d) *H. D. letter no. 188, d. Oct. 18, 1902.*

of the corporation and the necessity of preventing the recurrence of a financial crisis such as that which had occasioned the application." This warning, however, proved insufficient, for in July 1904 the corporation allowed their capital funds to become temporarily exhausted and after drawing on revenue funds to meet capital expenditure were compelled to apply for an emergency loan of five lakhs. The Government of India sanctioned the application, but commented severely on the grave lack of foresight shown in the management of the municipal finances.³ The local Government had already dealt with the matter in its annual review, but the Government of India felt constrained to insist on additional precautions to prevent the recurrence of such an emergency. Accordingly they laid down in communication with the local Government and the Comptroller-General a procedure designed to keep the corporation precisely informed of their financial position at any moment.^c In lieu of the balance of 26 lakhs of the loan to which sanction was withheld in 1904, the Government of India sanctioned the raising of a debenture loan of 35 lakhs for drainage purposes later in the same year on receipt of fuller information regarding the municipal finances.

5. *Bombay*.—The Bombay Improvement Trust constituted under the Bombay Act IV of 1898, had in hand up to the end of the year 1903-04 twenty-six schemes of varying importance of which seventeen had received Government sanction by March 31, 1904. The first scheme undertaken, *viz*, the Nagapada improvement scheme, which comprised an area of 72,775 square yards with a population of 11,133, chiefly of the labouring classes, has practically been completed. All the roads have been constructed, nearly all the building sites have been leased, and the reconstruction is proceeding. Nearly two lakhs were spent on *chawls* for the poorer classes. The second scheme for a much-needed thoroughfare from Queen's Road to Carnac Bridge is also progressing and the acquisition of properties is nearly complete. Apart from the large projects above mentioned, the Trust has undertaken smaller street schemes and also schemes for the accommodation of the police. The houses provided for the displaced poor have been maintained in good order and additions have been made for the convenience and comfort of the occupants. The total capital expenditure of the Trust from November 1898 to March 1904 amounted to over 119 lakhs. Including a loan of 50 lakhs, the raising of which was sanctioned in August 1904, the sums borrowed by the Trust up to date aggregate 220 lakhs out of the 500 lakhs on which the estimate of its operations was based.

Some difficulty has been experienced in constituting the tribunal for which section 48 of the Act provides, and in determining the remuneration of its members. The tribunal at present consists of a judge of the Small Cause Court as president, an executive engineer and a municipal commissioner: its sittings are intermittent, and remuneration at the rate of Rs. 30 and Rs. 15 per hour was at first provisionally sanctioned for the president and members, respectively, in addition to a retaining fee of Rs. 100 and 50 per mensem, respectively.^d In the case of the official members the Government of India considered that the total amount of the fees drawn in any month should be limited to one-fifth of salary: but on a recent representation from the Government of Bombay they have relaxed this rule and have proposed instead fees at the rate of Rs. 10 an hour subject to a maximum of Rs. 300, the retaining fee of Rs. 50 being abolished. The Government of Bombay have accepted this suggestion.

(a) { *H. D. letter no. 143, d. July 7, 1903.* (289.)
 { *H. D. letter no. 28, d. Feb. 4, 1901.* (290)
 (b) { *H. D. letter no. 156, d. Aug. 29, 1904.*
 { *H. D. letter no. 194, d. Nov. 8, 1904.*

(c) *H. D. letter no. 23, d. Mar. 1, 1905.*
 (d) { *H. D. letter no. 9, d. Jan. 23, 1904.*
 { *H. D. letter no. 53, d. Feb. 18, 1904.*

In 1899 a special grant-in-aid of $14\frac{1}{2}$ lakhs was made to the Bombay municipality from general revenues to assist it in meeting local plague expenditure which had amounted to 35 lakhs up to the end of March 1899.^a In 1902 the Bombay Government asked that certain charges on account of the salaries of the staff employed on the valuation of houses condemned to demolition in Bombay might be debited to provincial revenues. The charge was a small one, but the Government of India deeming it of importance to enforce the principal of local responsibility for plague measures were unable to agree. The Bombay Government accepted the decision at the time, but later on they renewed the proposal, laying stress on the fact that they had promised the corporation to meet the charges. The views of the Government of India upon the merits of the proposal were unaltered, but in deference to the strong wishes of the Governor in Council they acceded to the request.^b A further concession was made in April 1905, when the expenditure incurred by Government on behalf of all local bodies in Bombay up to the year 1901-02 on the construction of plague camps, discretionary relief, and the salaries of gazetted officers and lady nurses was treated as a final charge on provincial revenues. The liberal treatment accorded to the municipality by both Governments did not, however, deter that body from further attempts to obtain extraordinary assistance. In their address to His Excellency on his return to India in December 1904, the corporation referred to the question; and it came before the Government of India officially about the same time on a reference from the Government of Bombay. The corporation asked for a further grant of $24\frac{1}{2}$ lakhs, the amount of the outstanding capital debt incurred on account of plague. But Lord Curzon's Government, referring to the grant made in 1899 as a final and very liberal settlement of the obligations of Government, declined to give further assistance from Imperial revenues though they had no objection to the grant of aid from provincial funds if the Bombay Government desired this.^c

In November 1900 the Bombay Corporation asked for sanction to the raising of a loan of $24\frac{1}{4}$ lakhs for sewerage and drainage works. The application was sanctioned on the understanding that the corporation would, if necessary, increase their revenue by new taxation. An application for a further loan of $37\frac{1}{2}$ lakhs was made in 1903. This time the Government of India were not satisfied that the municipal finances, after meeting all other necessary obligations, could incur the new liability and sanction was refused. In 1904 the corporation renewed their request and asked that if the whole loan could not be sanctioned, they might be allowed to raise a loan of $12\frac{3}{4}$ lakhs. This was agreed to, as the corporation had a sufficient reserve of taxation in the shape of unlevied water-rate. More recently the corporation have succeeded on showing that their finances have improved, and the Government of India have agreed to their raising the balance of the loan applied for in 1903.^d

6. *Madras*.—The grant of $1\frac{1}{2}$ lakhs from provincial revenues to the Madras municipality for expenditure on plague is noticed in para. 9 below. In 1904 the Madras Government proposed to assist the corporation further in effecting much-needed improvements, with a grant of 17 lakhs and a loan of 25 lakhs. It is a well recognised principle that the corporations of presidency towns should be required to raise their loans in the open market. But the credit of the Madras corporation was not sufficiently good to enable it to raise money on satisfactory terms while the improvement of the water-supply and drainage was

(a) F. & C. letter no. A-1429-M, d. Mar. 29, 1899.

(b) { H. D. letter no. 49, d. Mar. 6, 1903.

(b) { H. D. letter no. 193, d. Nov. 3, 1904.

(c) F. D. letter no. 1407-A., d. Mar. 8, 1905.

(d) F. D. letter no. 2036-A., d. April 14, 1905.

(e) F. D. tel. no. 4757-A., d. Aug. 24, 1905.

an emergent need : and the Government of Lord Curzon assented in this instance to a departure from the general rule. They agreed also to the corporation being given a subvention of 17 lakhs from the surplus revenues of the presidency.^a The chief municipal undertaking in the Madras presidency, however, has been the amendment of the Madras Municipal Act. The original Act of 1884 had been extensively altered by amending enactments and on further alterations becoming necessary the Governor in Council decided to consolidate and re-enact the whole law. The new Act closely follows the general arrangement of the Calcutta Municipal Act of 1899 from which many useful provisions have been borrowed. It may be confidently described as a substantial improvement on the previous Act, and as calculated to effect an advance in municipal administration.^b

7. *Rangoon*.—In Rangoon also a large improvement scheme is proceeding. Substantial progress has been made since 1893 in raising the level of the town site and rendering it fit for habitation, but much still remains to be done. It is intended to reclaim and to equip an extensive low-lying area of ground situated mainly towards the east side of Rangoon at a cost of some 172 lakhs. In 1899 the Government of India undertook that if a satisfactory project were submitted to them, they would assist in its execution by assigning to the municipality for a definite period certain town lands rents which that body had enjoyed in the past.^c In 1902 the local Government submitted its proposals and, subject to the discussion of certain details, these were substantially accepted.^d Further questions relating to the formation of a programme of works and the amount of the municipal contribution were discussed with the local Government during Lord Curzon's temporary absence from India in 1904. It was decided to adhere to the previous decision that the municipality should contribute to the reclamation fund one-half of the taxes other than service taxes to be raised in the reclaimed areas. This arrangement, indeed, was exceptionally liberal as compared with the treatment accorded to other cities. The work of reclamation and equipment is meanwhile steadily progressing.

8. *Other municipalities*.—Individual undertakings in other important municipalities may be noticed more briefly. The proposals of the Committee which sat in 1898 to consider the best means of providing for the extension of Simla were laid before the Punjab Government, and have been slowly carried into effect as municipal resources, with the help of a substantial subvention from Government, permitted. In view of their direct interest in the undertakings the Government of India agreed to meet half the entire cost up to a limit of ten lakhs from imperial and provincial funds, in the proportion of two-thirds and one-third respectively.^e Up to March 1903 an expenditure of 9½ lakhs had been incurred on extensions to the water-supply and sewage system ; but as regards the acquisition of additional areas or the construction of new roads, a new bazar, or cooly lines nothing had been effected. Dissatisfied with these results the Government of India determined to press more energetic action upon the local Government. With this object a grant of twenty lakhs has been made for the purpose of acquiring private rights in the lands to be taken over, and for the prosecution of the remaining proposals of the extension committee.^f Negotiations are progressing with the native states in which are situated the properties to be acquired. Meanwhile a revised programme of works has been drawn up ; and a good deal has been done of late towards their execution

(a) H. D. letter no. 186, d. Oct. 24, 1904.
(b) H. D. letter no. 64, d. Apr. 17, 1903. (291.)
(c) R. & A. letter nos. 618—299-4, d. Mar. 15, 1899.

(d) H. D. letter no. 232, d. Dec. 12, 1902. (292.)
(e) H. D. letter no. 107, d. July 14, 1899. (293.)
(f) For. D. letter no. 1006-I. A., d. Mar. 10, 1904.

especially as regards the improvement of existing, and the construction of new roads. A scheme for improving the water-supply by extending the catchment area has also been considered. It is estimated that the daily supply could be increased from 400,000 to 600,000 gallons at a cost of something over four lakhs: and proposals have also been made to introduce a hydro-electric installation at a cost of ten lakhs. But there was some uncertainty as to the sufficiency of the head of water relied on for motive power, and the Government of India asked the local Government to consider the possibility of undertaking a larger scheme for the introduction of electric power drawn from the Sutlej or the Jumna, both for the lighting of Simla and for the traction of the railway from Kalka. This project, however, was abandoned, and on receipt of fuller information it was decided to proceed with the scheme for improving the water-supply from local sources, and tenders were separately invited for the supply of electric power. Closely connected with the question of improvements to Simla is that of the projected removal of the Punjab Government's headquarters. This is fully discussed in Chapter II: for present purposes it is sufficient to say that their examination of the question led the Government of India to the conclusion that in the past history of the settlement is written the absolute condemnation of the municipal system as the means of its administration, and that the solution must in future be found on some scheme which will concentrate authority more directly in a single individual's hands. The hill municipalities of Ootacamund and Naini Tal have also been materially assisted by Government in recent years. The grant of Rs. 40,000 made to the former in 1902 is noticed below (para. 9). The advent of plague in Ootacamund moreover necessitated the removal of insanitary native quarters, for which purpose a loan of two lakhs repayable in thirty years has been approved.^a Sanitary improvements in Naini Tal also had involved that municipality in financial difficulties and in September 1899 the Government of India agreed to its receiving a grant of 1·37 lakhs from provincial revenues and to the consolidation of its outstanding loans.^b Early in 1904 the servants' tax which was declared to be unequal and irritating in its operation was abolished, and the necessary funds were raised by increasing the tolls on animals, vehicles and coolies. The hill municipality of Mussoorie has recently decided to embark upon a scheme for supplying the station with water and lighting it by electricity, and the Government of India have agreed to its taking a loan for the purpose and to an enhancement of the tolls as in the case of Naini Tal. In Lucknow also the introduction of a regular water-supply necessitated the revision of the city drainage—a work beyond the unaided capacity of the municipality, the population of which was generally poor and unable to bear fresh taxation. The local Government had itself made a grant of one lakh from provincial revenues and asked that the balance of the cost (seven lakhs) might be provided by an imperial grant of three, and a loan of four lakhs. After careful examination of the finances of the city the Government of India agreed to these proposals.^c In Cawnpore the provision of a new sewage system became inevitable, and in 1901 the Government of India agreed to give the municipality a loan of five lakhs for the purpose.^d The proceeds of a newly imposed house-tax were appropriated for its repayment. The question of amending the terminal tax, which has been introduced at Cawnpore in lieu of octroi some years previously, by the institution of a complete system of refunds was discussed in 1899 with the local Government. The Government of India accepted the latter's contention that the exceptional circum-

(a) H. D. letter no. 100, d. Apr. 20, 1904.
 (b) H. D. letter no. 157, d. Sep. 20, 1899.

(c) H. D. letter no. 79, d. Mar. 11, 1904.
 (d) H. D. letter no. 96, d. June 10, 1901.

stances of the town justified the retention of existing arrangements. In redemption of an earlier undertaking they even agreed reluctantly to the application of the impost to a few additional articles; but they recorded their strong disapproval of the principle of the tax and intimated that they could not permit it to be further extended.^a The financial position of the Akola municipality has also received special consideration. In 1901 the Government of India sanctioned the postponement for three years of its payments in liquidation of a loan incurred for the provision of water-works on condition that a suitable scheme of taxation was imposed. The Chief Commissioner deprecated the imposition of a tax on lands and buildings or a water-tax, and proposed a tax on the cotton and ginning trades and a terminal tax on goods imported. The Government of India held that as a general principle when a municipality equips itself with water-works it should be prepared to levy a water-rate for their maintenance, but in the present instance they waived this principle as it appeared that the Akola water-supply was actually insufficient. They accepted the tax upon the cotton industry but refused to sanction the terminal-tax and suggested the imposition of an octroi in its place.^b The prevalence of plague in recent years has burdened many municipalities, particularly in western India, with expenditure which they have been unable to meet alone; and Government, while maintaining the principles of self-effort which are discussed more fully later, has been compelled to come to their assistance. In April 1902 a grant of 1·67 lakhs was made to the Karachi municipality, where plague charges had been heavy and large loans had been incurred. To discharge these it was further found necessary to impose an extra water-rate on all consumers, and to defer till the end of June 1902 the abolition of the terminal-tax levied in the town in favour of an octroi. Among other municipalities which have benefited by special measures of assistance are Poona, Surat, Satara, Sholapur, Ahmednagar, Belgaum and Nasik.

9. *Assistance to municipalities.*—In connection with the estimates for 1901-02 the Government of Madras asked that sums aggregating nearly three lakhs might be retained for allotment in the shape of grants to the presidency and mufassal municipalities to enable them to meet expenditure on water-works schemes or plague. The Government of India were unable to accept this proposal and a protracted discussion ensued. In the event the Government of India, while unable to agree that sufficient justification had been shown for the proposal to give the Madras municipality a grant of 1·5 lakhs and the Ootacamund municipality a grant of Rs. 40,000, and while maintaining their opinion that the circumstances of both places would have been adequately met by grant of loans, decided not to withhold their confirmation of the orders issued by the local Government.^c The occurrence of this and other cases, however, led them to re-examine fully the question of the principles which should regulate the grant of assistance from general funds to local bodies in aid of works designed for the benefit of the inhabitants of local areas. Their conclusions, which were communicated to local Governments in August 1902, were (1) that as a general rule the entire cost of local undertakings should be borne by the rate payers who benefit thereby, and that in deciding the terms of provincial settlements expenditure in aid of such undertakings should be excluded from the standard figures; (2) that Government assistance when required should usually

(a) H. D. letter no. 152, d. Sep. 13, 1899

(b) H. D. letter no. 157, d. Aug. 31, 1904.

(c) H. D. letter no. 158, d. Aug. 20, 1902. (294)

be given in the form of loans; and (3) that when the cost is too heavy to be wholly borne by the local body even with the assistance of a loan, and the work is so important and useful that it ought not to be postponed, a grant-in-aid of a portion of the cost may be given by the local Government from its accumulated surplus if it has one. The Government of India added that before a grant is given the existing condition of local taxation should be carefully examined and the possibility of increasing it should be considered before assistance is given from general revenues.^a During the budget debate of March 29, 1905, the Hon'ble Mr. Gokhale made a special appeal on behalf of the municipalities in Bombay whose resources had been crippled by plague; and asked that the outstanding balance of their loans from Government might be written off, and substantial assistance given them in prosecuting works of permanent improvement. The Hon'ble Finance Member in reply indicated the objections to the writing-off of loans, but freely recognised that aid from general revenues might justifiably be given when the resources of a local body had been disordered by a great and unavoidable calamity. Now, however, a new and favourable settlement had been made with the presidential Government, and it was to that authority therefore that the Hon'ble Mr. Gokhale's appeal should properly be addressed.

10. *Octroi*.—One of the most important questions of municipal administration which has called for decision in recent years is that of octroi taxation. Such taxation is in force in northern and western India only; but in the provinces which adopt it, it forms a very large proportion of the municipal income varying from 39 per cent. in Bombay to 74 per cent. in the North-West Frontier Province. Moreover, while very slight alterations of the rates imposed may greatly benefit the income of the town, these may seriously hamper the trade in some particular commodity, or even affect the general standard of living of the inhabitants. There is a further danger that such local taxation may encroach upon sources of imperial revenue. It is of great moment therefore to watch the working of the system carefully and to insist on the due observance of certain safeguards. With this object the Government of India in 1899, after examination of the reports of local Governments, issued orders laying down the following principles:—

- (1) that a light octroi might be levied on imported dutiable articles;
- (2) but not without special sanction on salt, opium or exciseable commodities and mineral oil;
- (3) that dutiable articles and their indigenous equivalents might be taxed up to Rs. 1·9 per cent. *ad valorem*—a limit that might be extended to Rs. 3·2 in the case of *ghi*, timber and tobacco;
- (4) that ample facilities for refunds should be provided so that taxation should be entirely confined to the consumption of the town.^b

In the application of these principles, however, it was found that local Governments must be allowed a certain latitude if the financial stability of many towns was not to be endangered, and orders were from time to time issued sanctioning the application of rates of Rs. 3·2, or even Rs. 4·11, in respect of certain imported articles, of which sugar, fruit and vegetables, building materials and drugs may be taken as the commonest examples. With these exceptions, however, municipalities were required to conform to the orders of 1899. But representations made by certain towns soon

(a) H. D. letter no. 154, d. Aug. 14, 1902. (295)

(b) H. D. resn. nos. 55–60, d. Apr. 24, 1899. (296)

led the Government of India to discover that this decision had been followed by two evil consequences. One was the raising of octroi rates upon the necessities of life which are consumed by the poor equally with the rich ; the other was the imposition of direct taxation to make good the deficit. For as regards this latter point, Lord Curzon's Government entirely accepted the strong opinion of their predecessors that, despite the theoretical objections to taxation in the form of octroi, this impost was as a source of local income in northern and western India far preferable to and infinitely more popular than either of the only possible alternatives, a license-tax or a property-tax. These reasons led the Government of India to think that the ordinary limit of octroi taxation on dutiable articles had been fixed too low at one pice in the rupee. They proposed also to settle ordinary and absolute maxima for the taxation of non-dutiable articles. Subject therefore to the final opinion of local Governments they intended to prescribe the following scale of rates which should not be exceeded without express sanction in each case :—

I. For articles subject to sea customs duty and the corresponding indigenous articles :—

			Rs.	A.	P.	
(a) Articles other than those specified in (b)	...	...	3	2	0	per cent.
(b) Timber and building materials, sugar, fresh and dried fruits, vegetables, drugs and spices	...	...	4	11	0	„

II. For articles not subject to sea customs duty :—

				Rs.	A.	P.	
(c) General maximum	...	...	...	4	11	0	per cent.
(d) Absolute maximum	...	...	...	6	4	0	„

Certain additional instructions were also formulated for the guidance of municipalities. From class I (a) were exempted as before salt, opium, excisable articles and petroleum, on which no levy of octroi is permissible. Similarly in class II were exempted articles, such as machines, which have been deliberately freed from customs duty in the general interests of trade and industry. The ordinary limit of Rs. 4-11 laid down for articles of class II was to be exceeded only where financial embarrassment would otherwise ensue. Regarding the selection of articles for taxation the Government of India observed that these should as a rule be main staples of consumption and as few in number as possible : that articles which are products of the country might be taxed more highly than those which are not (but not that a higher rate should be imposed on a product of the country than on an imported article of the same class) : that the necessities of life should in all cases be taxed moderately, and that while luxuries might be more heavily rated, due selection should be observed, and in any case a high octroi should not be laid upon tobacco, almost the only luxury of the poorer classes.^a These proposals met with general acceptance at the hands of local Governments : and in December 1904 the Government of India confirmed their provisional orders of the previous year and explained to the Governments of Bombay and the United Provinces the reasons why they were not prepared to admit the slight deviations from the general scale which those Governments had suggested.^b

11. *Municipal police.*—The principle has long been recognised that municipalities should not be required to bear charges for police in respect of which they practically possess no powers of control and no immediate responsibility. Most provinces had already given effect to this principle by relieving municipalities of the charge for police, but financial exigencies had prevented

(a) H. D. resn. no. 179-185, d. Sep. 17, 1903. (297)

(b) H. D. resn. nos. 206-12, d. Dec. 9, 1904.

the Government of the United Provinces from doing so. To assist it in effecting this reform the Government of India included in the new provincial settlement of 1904 the sum of 2½ lakhs. This allotment enabled the local Government to relieve ten of the larger towns entirely of police charges and other smaller municipalities to the extent of half the charges incurred. The resources thus made available will be fully utilised in expanding and improving existing municipal services.

12. *Municipal taxation of railways.*—The liability of railways to local taxation was expressly limited in 1893 to the same taxes and rates of taxation as were levied by the local authorities in 1890 and no enhancement was permitted without the sanction of the Government of India. In 1900 the Madras Government proposed to treat railway administrations in the same way as ordinary taxpayers and to permit the enhancement of existing rates up to the limit which the law provided. The Government of India thought that no general relaxation of existing orders was advisable, but intimated their willingness to consider proposals for the enhancement of the rates levied by municipalities from railways in particular cases.^a

13. *Municipal reports.*—In 1902 the Government of India observed that the report received from the Bombay municipality was unnecessarily lengthy and involved, and requested that it might in future be made to conform more closely to the principles adopted in respect of Government reports. These instructions have been complied with. In 1903 the Director-General of Statistics pointed out that some of the municipal figures as at present compiled present an exaggerated idea of the transactions of the year, and the forms prescribed for the exhibition of municipal statistics have accordingly been revised and provisionally reissued. The revision of the vital registration returns received from presidency towns is noticed elsewhere (Chap. IX, para. 22). More recently the Government of India have had under consideration the question of devising simpler statistical returns to suit the circumstances of the elementary forms of municipal institutions which exist in some provinces under the name of notified areas.^b

14. *Legislation*—The two most important legislative measures affecting the municipal history of the period have already been noticed (paras. 2 and 6 above). Besides these the United Provinces Government in 1899-1900 and the Central Provinces administration in 1902-03 decided to revise their municipal enactments so as to provide for modern developments and to promote the efficiency of urban administration. The amending bills in due course became law as the North-West Provinces and Oudh Municipalities Act (III of 1900) and Act XVI of 1903 on March 10, 1900, and November 4, 1903, respectively. Minor amendments in the former law are now contemplated, with the objects of preventing overcrowding in hill-stations, and of enabling municipal boards to make better pensionary provision for their servants. In 1901 the Bombay Government effected a similar reform of the district municipalities in that presidency by passing the Bombay District Municipal Act: and early in 1905 they submitted a bill to amend the Bombay Municipal Act of 1888, mainly with the object of improving the provisions relating to drainage, water-supply, the construction of buildings, overcrowding and the reporting of deaths. With one important exception relating to the detention of corpses

(a) H. D. letter no. 1, d. Jan. 5, 1901.

(b) H. D. letter nos. 142-46, d. Oct. 12, 1905.

until a death certificate had been procured, Lord Curzon's Government accepted the bill and it was introduced in the Bombay Council on 5th May 1905. Minor amendments have also recently been proposed in the Burma Municipal Act with the object of giving greater powers to local authorities in respect of markets, weights and measures, slaughter-houses, and the drainage of buildings or lands. The Chief Commissioner of Coorg recently advised that the Central Provinces Municipal Act should be applied to Coorg, in lieu of the North-West Provinces Act which had hitherto been applied to that province. It seemed to the Government of India however that the preferable course was to pass a special municipal regulation for Coorg; and the Chief Commissioner has accepted this suggestion and is about to submit the necessary draft.

(b) DISTRICT AND LOCAL BOARDS.

15. *General development.*—The number of district and local boards in British India is about 1,100. Their income, of which some two-thirds has hitherto been derived from provincial rates, increased from 316 lakhs in 1898-99 to 380 lakhs in 1902-03: and their expenditure from 312 to 366 lakhs during the same time. Roughly speaking the boards expend about $\frac{1}{5}$ th of their total outlay upon education, about $\frac{1}{5}$ th on medical undertakings, and nearly $\frac{1}{2}$ on public works. From the nature of the case it does not often lie within the province of district boards to undertake large individual constructive works. In 1899-1900 they rendered valuable assistance in famine relief, and in many places they have felt the burden of plague measures, though necessarily in a far less degree than municipalities. They have done much useful work in the matters directly within their province, such as the maintenance of roads, schools and dispensaries, pounds, and veterinary depôts, and the carrying out of water and drainage schemes and similar local works. The only direction in which it can be said that the boards are showing signs of new activity is in the promotion and construction of light railways. In 1900 district boards in the Madras presidency were empowered to levy a special cess for the purpose of constructing such railways, and several boards have lately taken advantage of this provision of the law. The expediency of adopting a similar provision is being considered in Bengal also where some light railways have already been subsidised by district boards. As however many years must ordinarily elapse before the proceeds of such cesses amount to a sufficient sum to enable the boards to commence the work of railway construction, the Government of India in 1903 intimated to the Madras Government that they were prepared to show their appreciation of the tax-payers' public spirit by supplying funds for loans for such undertakings. The loans would be granted at four per cent. interest and would be repayable in 30 years, and they would be secured by a lien on the entire resources of the board. This offer has recently been extended to all district boards which levy a special cess for the construction of railways: and it may be anticipated that other provinces will follow the example set them by Madras.

16. *Assistance to district boards.*—During 1902 and 1903 district boards benefited materially from the special grants which the Government of India were able to place at the disposal of provincial Governments. In March 1902 more than 13 lakhs were thus distributed to local boards for expenditure on roads and bridges: and in 1903 these, together with improvements in the village water-supply, were mentioned as objects to which the Government of India

thought that the special grants of 38 lakhs made in that year might be preferentially devoted.^a Large as these subventions were, however, they were of relatively small importance compared with the special assistance given in 1905, when an assignment, equal to one-fourth of the boards' income derived from local cesses, was made to local Governments in aid of the funds of district and local boards.^b This liberal subvention, which will cost the Imperial Government over 56 lakhs a year, will afford most welcome and valuable assistance to the boards. From the first inception of the local self-government system the resources at the disposal of the boards have not been commensurate with the duties devolving upon them. Their main source of income has consisted of a local rate or cess imposed on the land, a form of revenue which is necessarily of slow growth and affords small margin for development of expenditure, while on the other hand fresh duties and consequently fresh expenditure have constantly been imposed on them. The result has been that local works and services have been insufficiently maintained. The actual distribution of the grants was left to the discretion of local Governments. It was explained that whereas the assignment to provincial revenues would be a fixed one the subsidies to the boards being calculated at a quarter of their receipts from cesses would necessarily undergo a gradual increase. The Government of India trusted that local Governments would be able to meet the small additional expenditure necessary from their growing revenues. At the express wish of the Secretary of State the boards were instructed that in utilizing the additional revenues now placed at their disposal they should give preference to expenditure on roads and bridges so far as this could be done with advantage.

A further concession which requires mention here, though the subject pertains more properly to the Revenue Department, was the abolition of the famine cess levied in the United Provinces, the Punjab and the Central Provinces. These cesses were originally imposed in 1878, with the intention of providing the means of insurance against famine, at rates approximately equivalent to two per cent. on the land revenue; and the three provinces named had since continued to pay them though other provinces were exempt. It was doubtful how far the relief resulting from their abolition would reach the actual cultivator, but the Government of Lord Curzon considered that the benefit to the zamindari and malguzari classes would be appreciable, and that the opportunity should be taken of terminating an arrangement of doubtful justice. Compensation equivalent to the amount of the cesses was accordingly given to provincial finances and the cesses were abolished with effect from April 1, 1905.

17. *Bombay*.—In December 1902 Mr. Malabari laid before the Government of India a scheme for extending local self-government in the Bombay presidency by appropriating for expenditure on village needs at the discretion of the village panchayat a definite portion of the cess levied in each village. The Government of India intimated that it would be impossible to invest the village panchayat with the necessary powers without legislation which they were not disposed to undertake. Mr. Malabari in reply explained that what he desired to see was the creation of village councils throughout India, and asked for legislation to that end irrespective of the possibility of additional taxation being involved. The Government of India adhered to their former opinion and declined to initiate legislation on the lines suggested.

(a) F. & C. letter no. 1574-A., d. Mar. 20, 1903.

(b) { F. & C. dssp. no. 16, d. Jan. 12, 1905. (288).
F. D. letter no. 1768-A., d. Mar. 23, 1905. (299)

18. *United Provinces*.—Apart from the special grants made in 1905, the most important event which has marked the history of local boards during the past seven years is the reorganization scheme put forward by the Government of the United Provinces. In marked contrast to municipal committees, the district boards in that province had failed to show real vitality. The local Government proposed to give them wider administrative powers, and a large measure of financial independence. To secure the former object, local boards, the smallest self-governing unit, which have proved inert and inefficient, will be abolished: and the district magistrate will become *ex-officio* chairman of the district boards. With the latter object the Lieutenant-Governor proposed to redistribute the proceeds of the local rates between Government and the boards on a logical basis: to re-define the services for which the boards must provide; to determine the amounts of grants-in-aid where necessary and to contract with each board for a term of years on this basis. In particular, it was proposed to forego charging the boards with assignments for famine, for railways and canals and for traffic registration. While the scheme was still under consideration its details were materially affected by the important concessions to district boards made in connection with the budget of 1905 (para. 16 above). The abolition of the famine charges enabled the rates of the cesses levied in Agra and Oudh to be correspondingly reduced, and the provincial share of the subsidy to district boards, which amounted to eight lakhs, placed the local government in a position to abolish the system of pooling previously in force, by which the income of the poorer boards was supplemented to the detriment of the wealthier ones. This arrangement will, it is hoped, secure the boards in full enjoyment of the income assigned to them and enable a much needed stimulus to be given to local self-government in the province.

19. *Berar*.—In February 1904 the Government of India determined to levy income-tax in Berar as an incident of the new imperial administration.^a This decision entailed the abolition of the town fund tax previously levied in non-municipal areas, as this impost was practically indistinguishable from a tax on incomes. The town fund tax, however, was a substantial factor in the income of the Berar local boards, and to give them time to make good the deficiency by devising fresh taxation the resulting deficit has for one year been made good from imperial revenues at a cost of somewhat over a lakh.

20. *Legislation*.—Three provincial Governments have found it necessary to amend the statutory basis on which their system of local boards is based. In connection with the scheme for reforming its district board administration above noticed, the United Provinces Government has submitted two draft bills respectively amending its District Boards and Local Rates Acts. The details of the former were finally settled from an administrative point of view in August 1905:^b and sanction was about the same time given to the introduction of the latter bill in the local legislative council.^c A further amendment of the Local Rates Act has been determined on in the following circumstances. The family domains of the Maharaja of Benares have long been exempt from the local rates elsewhere imposed. This exemption renders the Maharaja, while compelled to contribute towards expenditure on local purposes, unable to recover from his tenants the rates which he would otherwise realise. The Maharaja incurred heavy expenditure on famine relief in 1896-97 and at his request it has, after a

(a) H. D. notn. no. 24, d. Feb. 3, 1904. (300.)

(b) H. D. letter no. 28, d. Aug. 3, 1905.

(c) L. D. letter no. 1501, d. July 25, 1905.

prolonged discussion, been decided to amend the Act so as to enable him, while his personal exemption is maintained, to realize the usual rates from the tenants of his domains and to apply them to local purposes and to famine relief. In 1903 the Bengal Government also proposed to amend its Local Self-Government Act so as to bring it into accord with modern requirements and to remove flaws which experience has brought to light. In particular the new bill was designed to legalise expenditure on veterinary objects, and the imposition of tolls on newly constructed bridges : and to empower district boards to levy a rate to pay interest on loans taken for the construction of railways or tramways or sums guaranteed by them as interest on capital so expended. Further amendments have since been suggested, mainly in the direction of enlarging the discretion of the boards in the application of the funds at their disposal and of strengthening the position of divisional commissioners in relation to the boards. In Assam also the question of putting the local boards system upon a satisfactory basis has long been under consideration. A draft regulation based in the main upon the existing Bengal law was referred to the Chief Commissioner for scrutiny, but in view of the territorial changes then impending its further consideration has been deferred. An important change was effected in 1900 when the Madras Local Boards Act, 1884, was amended. The opportunity was taken to take power to levy a tax not exceeding three pies in the rupee on the annual rent value of all occupied lands, to be utilised solely on the construction of tramways or railways, the successful enterprise of the Tanjore district board in this direction having been of great promise. More recently provision has been made in the Punjab District Boards Act for the establishment of provident funds for the benefit of boards' employés.

CHAPTER IX.

MEDICAL AND SANITARY.

1. *Indian Medical Service*.—This service is military in character and those of its officers who are employed in the civil department are liable to be transferred to military duty at any time when their services are required. The period from 1895—1900, which witnessed two famines, the outbreak of plague, and military operations in Chitral, Tirah and China, necessitated the withdrawal of so many Indian Medical Service officers from civil duty that local Governments were for a time seriously embarrassed in carrying on their medical administration. Constant restrictions upon leave moreover imposed a great hardship on officers of the service. The Government of India were thus led to urge upon the Secretary of State the necessity of enlarging the service, and in August 1901 Lord George Hamilton assented to an addition of 26 posts. For most of these posts recruits were obtained at the annual examination, but a few others were filled by admitting some of the doctors who had been sent out to India for plague duty (Chap. X, para. 3).

The pay of Indian Medical officers has hitherto been regulated by orders of 1867, supplemented by such special orders as have from time to time been passed in the case of separate branches, or of individual appointments. Speaking generally the pay of officers in civil employ was so fixed as to bear a definite relation to that of officers in military employ. In October 1903 in consequence of the improvement of the conditions of service of the Royal Army Medical Corps and the difficulties of recruitment the pay of Indian Medical officers in military employ was raised all round. This made it necessary to consider whether it is desirable and if so, in what manner, to increase the pay of their fellow officers in civil employment. The number and variety of civil medical appointments in India rendered this question a most complex one and made it necessary to examine closely the case of each class of officers in communication with local Governments*. After considering their opinions and that of the Director General, the Government of India addressed the Secretary of State in September 1904. They agreed that no increase was needed in the pay of Surgeon-Generals, but recommended that the pay of the Inspector-Generals in Bengal, the Punjab and Burma should be raised to Rs. 2,500, 2,250 and Rs. 2,250, respectively. For civil and agency surgeoncies they proposed to maintain the existing relation between military and civil pay, and to allow civil surgeons of the first or second class to draw Rs. 50 more or less respectively than the pay which they would receive in charge of a native regiment under the recently enhanced scale. The pay of practising professors should, they considered, also be proportionately increased. They thought that theoretically the best arrangement would be to restrict all professors to consulting practice, but they did not regard this proposal as at present feasible. The case of non-practising professors they reserved for separate treatment. For sanitary commissioners the Government of India proposed a rate of pay rising from Rs. 1,500 to Rs. 1,800, or to Rs. 2,000 in the single case of Bengal; and for deputy sanitary commissioners a staff allowance of Rs. 200. In the case of chemical examiners, whose emoluments had but recently been raised, no increase was thought necessary. In respect of bacteriological and alienist officers the Government of India considered it sufficient to apply the enhanced rates of grade pay. Their despatch to the Secretary of State dealt also with a large number of miscellaneous appointments which cannot conveniently be

(a) H. D. letter nos. 1292—1300, d. Nov. 7, 1903.

specified here. Finally in view of the long delay which the consideration of the proposals had necessitated and of the natural expectations which had been aroused by the raising of the pay of military medical officers, the Government of India recommended that as a special case sanction should be given to the increase for which they asked with retrospective effect from August 13, 1903, the date from which the increase in the military scale of pay had taken effect. The estimated cost of the increase was between five and six lakhs a year. With a few modifications the Secretary of State sanctioned the proposals in February 1905: he was unable to accept the concluding recommendation in its entirety, but he agreed to retrospective effect from April 1, 1904.^a

Apart, however, from the general question of the pay of Indian Medical officers, it was decided in 1903-04 with the Secretary of State's concurrence to assimilate the pay of the professorships attached to the Lahore Medical College to that of the corresponding appointments in presidency colleges.^b The original intention had been that the appointments at Lahore should be held by comparatively young officers, but with the growing importance of the institution this arrangement had become unsuitable; frequent changes had proved detrimental to efficiency, and it became necessary to provide rates of pay which would ensure a long tenure of office. The case of non-practising professors in colleges was specially excepted from the general proposals relating to an increase of pay, as it appeared to the Government of India that the real issue in their case was whether it was on grounds of expediency desirable to admit of any departure from the general principle that compensation cannot be claimed for the loss of private practice. Eventually the Government of India proposed that the order to render the posts in question sufficiently attractive to competent officers an allowance of Rs. 300 should be attached to the non-practising professorships in the medical colleges at Calcutta and Bombay and an allowance of Rs. 150 to the similar appointments in Madras and Lahore. The Secretary of State accepted this proposal on condition that the professorships were full time appointments to which no hospital duties are attached and in which no kind of private practice is permitted.^c

The concessions made to the Indian Medical Service in 1904-05 were, however, by no means confined to an increase of pay. In other respects the conditions of service were materially improved, and officers in civil employ benefitted by the changes equally with those in military employ. The correspondence was conducted by the Military Department and does not properly therefore fall within the scope of the present review. But mention should at least be made of such matters as the increase in the pension scale, the introduction of a system of accelerated promotion, and provision for leave for purposes of study before the full extent of the relief given to the service can be appreciated. The last-mentioned concession will, it is hoped, be of special value in encouraging officers while on leave to improve their scientific attainments, and thus promoting the organisation of a skilled service of specialists in the various branches.

2. Regulation of fees.—An important question affecting the Indian Medical Service which has occupied the attention of Government relates to the remuneration of medical officers for attendance on native chiefs and gentlemen. This was originally regulated by orders issued by Lord Lansdowne's Government in 1893. In 1900 the Government of India, whose attention had been called to overcharges made in the case of a native chief in

(a) { F. & C. desp. no. 348, d. Sep. 22, 1904.
Desp. no. 20 (Public), d. Feb. 3, 1905.
H. D. resn. nos. 361-75, d. Apr. 17, 1905.

(b) { F. & C. desp. no. 297, d. Sep. 24, 1903.
Desp. no. 26 (Public), d. Jan. 29, 1904.
(c) { F. D. desp. no. 122, d. Mar. 30, 1905.
Desp. no. 68 (Public), d. May 26, 1905.

Rajputana, decided that all cases in which a fee in excess of Rs. 2,000 was proposed should be reported for their sanction.^a In March 1901 a case occurred in which a medical officer attending the Begum of Bhopal observed the letter of the earlier orders by claiming fees fixed in accordance with a scale laid down for his patients generally, although the total amount exceeded the limit prescribed. The Government of India were thus led to modify the existing rules, as tending to complicate the decision of the cases in question and offering some opportunities for evasion. They accordingly ruled that a report should not be required when the fee did not exceed Rs. 50 a visit, or Rs. 1,000 in the aggregate for repeated visits in the course of a year.^b The action of Government in thus intervening to regulate the remuneration of medical officers for professional duties has been criticised in various quarters. Such criticism has probably been based partly on a failure to appreciate the responsibility of Government for the conduct of its officers, partly on ignorance of the extent to which the opportunities of private practice among native chiefs and gentlemen had been abused. It would be inappropriate to give here the details of individual cases: but instances of inordinate demands have in recent years been sufficiently frequent and striking to convince the Government of India that the credit of the medical service and of Government alike made intervention necessary. In issuing orders the Government of India had no intention or desire to cast any imputation upon the medical profession in general: their object was by restricting the vagaries of the few, to preserve the high standard of professional honour observed by the many. The rules have been further amended so as to prevent the disclosure in ordinary official correspondence of matters of a confidential nature relating to the ailments of native chiefs and their families.^c

3. *Attendance on families.*—In September 1902 the Government of the United Provinces represented that it was desirable to regulate by rule the fees claimable by civil surgeons for professional attendance on the families of Government servants. Though the Government of India regarded private agreement as ordinarily affording the most satisfactory basis for such payments, they were led by the occurrence of certain regrettable cases of dispute to infer that it might be advisable to fix a standard. They felt unable to accept the rules proposed by the United Provinces Government and therefore they drew up a revised set and asked local Governments whether rules were required, and if so, whether the draft rules were suitable.^d The replies received were generally to the effect that disputes were rare and that rules were not needed. The Government of India accepted these assurances with satisfaction and contented themselves with acquainting each local Government with the views which the others had expressed.^e

4. *Civil assistant surgeons.*—After further correspondence with provincial Governments the scheme initiated by Lord Elgin's Government for the improvement of the prospects of civil assistant surgeons was carried completely into effect in June 1899 by the reservation of 28 civil surgeoncies for these officers.^f In December 1899 the promotion examinations for assistant surgeons in the Bengal presidency which had hitherto been held twice a year were made annual.^g In 1903 it was further decided to discontinue the special privileges hitherto admitted to those assistant surgeons in Bengal who were employed as

(a) H. D. notn. no. 1930, d. Oct. 8, 1900. (301.)
 (b) H. D. notn. no. 852, d. June 12, 1901. (302.)
 (c) H. D. notn. no. 395, d. Apr. 26, 1904. (303.)
 (d) H. D. letter nos. 701-09, d. June 8, 1903.

(e) H. D. letter nos. 137-45, d. Feb. 9, 1904.
 (f) H. D. resn. nos. 1084-93, d. June 22, 1899. (304.)
 (g) H. D. resn. nos. 2182-91, d. Dec. 29, 1899.

teachers in the vernacular medical schools, and to give local Governments discretion partially to exempt from examination officers of this class who are serving as assistants to chemical examiners.^a In the Madras presidency the subordinate medical service has hitherto contained a grade of civil apothecaries, intermediate in status between the assistant surgeon and the hospital assistant classes. With the concurrence of the Secretary of State it has now been decided to assimilate the medical organization of that presidency to those of other provinces. With this object thirty-six qualified apothecaries have been promoted as assistant surgeons and sixteen temporary men have been made permanent. As vacancies occur among the remaining apothecaries they will be filled by civil assistant surgeons.^b The Burma Government has also submitted proposals for increasing the strength of its service of civil assistant surgeons and granting them additional allowances for special charges. The details of the scheme have been agreed to and it will shortly be submitted for the sanction of the Home Government.

5. *Military assistant surgeons*.—In July 1899 the scheme for the employment by the civil department of an adequate reserve of military assistant surgeons had taken shape sufficiently to enable the Government of India to address the Secretary of State. They proposed to reserve 155 civil medical posts to be held in time of peace by military assistant surgeons and, in order to provide the 79 additional civil posts required for this purpose, to substitute military assistant surgeons for uncovenanted medical officers and civil assistant surgeons in certain cases.^c The Secretary of State sanctioned these proposals and local Governments were asked to furnish complete lists of the posts reserved for military assistant surgeons. The number intimated by local Governments and reported to the Secretary of State came to 159. Subsequent changes have reduced the number to 154.

Various instances occurred, however, in which military assistant surgeons serving under local Governments proved unfit for employment in independent charge, while the constitution of the provincial cadre made it difficult or impossible to employ them in subordinate positions; and in 1903 the Government of India took up the question of dealing with such cases. While they maintained the principle that an officer cannot be reverted from civil to military duty as a punishment, they decided in consultation with the Commander-in-Chief to prescribe a term of probationary service for military assistant surgeons employed under a local Government: and to define the terms on which reversion should be permitted, and the manner in which the resulting vacancy should be filled.^d

6. *Civil hospital assistants*.—The desirability of improving the position of civil hospital assistants had been recognised for several years, but financial exigencies had prevented action. Local Governments had generally approved of the proposals which the Government of India had put to them, but had intimated that during a time of pecuniary difficulty they could meet only more urgent claims upon their resources. Improved conditions at length enabled the Government of India to address the Secretary of State upon the subject in February 1901.^e Their proposals, which Lord George Hamilton accepted, provided for the institution of a senior grade on a pay of Rs. 70 a month and the reduction of the period of service in each grade from seven to five years. Promotion to the two upper grades is now made by selection

(a) H. D. resn. nos. 3-10, d. Jan. 6, 1904.

(b) { F. & C. desp. no. 253, d. Aug. 20, 1903.
{ Desp. no. 135 (Public), d. Nov. 13, 1903.

(c) F. & C. desp. no. 233, d. July 6, 1899.

(d) H. D. resn. nos. 1382-94, d. Dec. 15, 1903. (305)

(e) F. & C. desp. no. 42, d. Feb. 7, 1901.

only, and the recruitment of students without English qualifications is absolutely prohibited. The new rates of pay are applied only to hospital assistants with the required knowledge of English, though men lacking this who qualify hereafter will be allowed to benefit. Local Governments were instructed to introduce the revised scheme as soon as their revenues were in a position to meet the increased expenditure.^a All have now done so. It may be confidently anticipated that the improved conditions will attract a better class of candidates into the subordinate ranks of the medical service.

Further, in order to meet the demands which may be made upon the service of civil hospital assistants in the event of mobilisation, the strength of the reserve has been raised from 20 to 25 per cent. in all provinces except the Central Provinces and Assam.^b Certain reforms in the examinations prescribed for civil hospital assistants are also under consideration.

7. *Chemical examiners*.—In 1897 the Secretary of State sanctioned proposals submitted by Lord Elgin's Government for raising the pay of the four chemical examiners to Rs. 800—50—1,400. In consequence of certain representations made to them Lord Curzon's Government proposed to the Secretary of State in February 1899 that present incumbents should be permitted to count time for increments of pay from the date on which the new scale came into force. The proposal was sanctioned by Lord George Hamilton. Even this concession, however, proved insufficient : and in 1901 the Government of India moved the Secretary of State to increase the scale of pay to Rs. 800—70—1,500, with a special allowance of Rs. 300 in the case of the Calcutta and Bombay appointments where the stress of work is more severe than elsewhere.^c In 1902 the terms of the appointment in the United Provinces, hitherto held by Mr. Hankin on a salary of Rs. 1,000, were assimilated, on the permanent confirmation of that officer, to those of the other four posts.^d Three out of the four other officers made fresh representations regarding their emoluments, but the Government of India did not think that further concessions were needed. More recently difficulty was experienced in providing for leave vacancies out of the reserve of probationary officers, and the concurrence of the local Governments concerned was obtained to the proposal that chemical examiners should be regarded as liable to transfer from province to province under the orders of the Government of India.^e To meet the increasing requirements of the province of Burma a whole time officer of the Indian Medical Service has recently been appointed as chemical examiner and bacteriologist.^f The general aim of these proposals has been to organize under the general administrative control of the Government of India a selected and highly-paid service of expert chemists, thoroughly qualified to deal with the difficult questions, medico-legal, bacteriological and commercial, which arise in all provinces and particularly at the presidency centres.

8. *Medical administration*.—In 1899 the Madras Government who were dissatisfied with the arrangements for supplying them with medical officers, asked that they might be provided with a special leave reserve appropriated to the presidency. They objected moreover to the existence of direct relations between the Director-General of the Indian Medical Service and officers of the service who were under their orders, and to the retention by the Government of

(a) { *H. D. resn. nos. 1002-14, d. July 4, 1901.* (306.)
 (a) { *H. D. resn. nos. 818-827, d. June 27, 1902.* (307.)
 (b) *F. & C. desp. no. 224, d. June 23, 1904.* (308.)
 (c) *F. & C. desp. no. 259, d. Aug. 16, 1901.*

(d) *F. & C. desp. no. 289, d. Oct. 9, 1902.*
 (e) *H. D. resn. no. 659-A.—664, d. June 2, 1903.* (309.)
 (f) { *F. & C. desp. no. 255, d. Aug. 4, 1904.*
 { *Desp. no. 152 (Revenue), d. Sep. 30, 1904.*

India of the power of selecting officers for special work (such as that of the jails, chemical examiners, and lunatic asylum departments). On all these points the Government of India explained the reasons necessitating the course adopted, but the presidential Government were still unwilling to acquiesce.^a Upon the further question of a selection of an officer as Surgeon-General there ensued a sharp difference of opinion between the two Governments, and the Madras Government, claiming that their statutory powers were being infringed, referred all the points in issue through the Government of India to the Secretary of State.^b The Home Government decided all the questions placed before them in favour of the view which the Government of India held^c: but traces of the former recalcitrant attitude of the presidential Government—an attitude which is in some measure shared by the Government of Bombay—are still to be found in those Governments' methods of conducting with the supreme Government certain routine correspondence relative to officers under their orders.

In 1901 the Secretary of State inquired whether the appointment of Director-General, Indian Medical Service, should be confined to officers on the Bengal list, or should be declared non-presidential. The Government of India thought that there were advantages in widening the field of selection, but that if this were done in the case of the Director-Generalship, the appointments of Surgeon-General in the two other presidencies should be similarly opened to candidates from Bengal. They consulted the two presidential Governments upon this proposal.^d Both opposed it strongly on the ground that local experience was essential, and the Government of India deferring to their views agreed that the suggestion should be abandoned.^e

In 1899 the increase of medical work in Burma necessitated a change in the arrangements by which the charge of the medical, sanitary and jail departments was held by a single officer. In lieu of an Inspector-General of Jails with civil medical administration on Rs. 2,000, with a secretary on Rs. 750, the Secretary of State sanctioned the creation of the appointment of an Inspector-General of Civil Hospitals and Sanitary Commissioner on Rs. 2,000, an Inspector-General of Jails on Rs. 1,800, and a Deputy Sanitary Commissioner on Rs. 600—50—1,000.^f

In 1904 the amalgamation of the medical charge of Berar with that of the Central Provinces afforded reasons for raising the pay of the administrative medical officer of the latter province from Rs. 1,800 to Rs. 2,000: the designation of the appointment was also assimilated to the form adopted in most other provinces, *viz.*, "Inspector-General of Civil Hospitals and Sanitary Commissioner." The reconstitution of the districts of Berar which followed on their incorporation with the Central Provinces led to the appointment of Indian Medical Service officers as civil surgeons of Amraoti and Akola, and of military assistant surgeons to the civil surgeoncies of Buldana and Wun. To the outlying stations of Ellichpur and Bassim military assistant surgeons were also posted.^g

9. *Sanitary administration.*—Lord Elgin's Government, in the last year of their administration, reviewed the condition of the sanitary organization throughout India and instructed local Governments as to the direction in which advance was possible. They held that while very much remained to be done and while an improved agency was required, there should be no attempt to coerce the rural

(d) H. D. letter no. 660, d. Apr. 20, 1899. (310.)
 { H. D. desp. no. 39, d. June 29, 1899. (311.)
 (b) { H. D. desp. no. 57, d. Aug. 31, 1899. (312.)
 { Desp. no. 98 (Public), d. Aug. 24, 1899. (313.)
 (c) { Desp. no. 156 (Public), d. Nov. 16, 1899. (314.)
 (2) H. D. letter nos. 411—12, d. Mar. 21, 1901.

(e) H. D. desp. no. 86, d. Sep. 19, 1901.
 (f) { F. & C. desp. no. 395, d. Dec. 7, 1899.
 { Desp. no. 3 (Judicial), d. Jan. 25, 1900.
 (g) { F. & C. desp. no. 196, d. June 1, 1905.
 { Desp. no. 84 (Public), d. July 14, 1905.

population at large into a change of their domestic habits. In urban areas difficulties were less and progress was being made, and the Government contented themselves with approving of the appointment of health officers where possible. A fresh impetus was given to the discussion by the Plague Commission of 1898-99 (Chap. X, para. 4). In the last chapter of their report the Commission dwelt upon defects in the existing organization and made detailed recommendations for their remedy. They proposed, in the first place, that all officers entrusted with duties connected with the public health should be borne on one general list; and that the department should be opened, not only to officers of the Indian Medical Service, but also to other medical men with special sanitary qualifications, and strengthened by the appointment of additional medical officers of health, by the recruitment of specially trained experts to fill the scientific posts and by the inclusion of chemical examiners. They thought that civil surgeons should have at their command the services of assistant surgeons with a knowledge of hygiene, and that all inspectors or superintendents of vaccination should be appointed from among assistant surgeons. In addition they emphasized the necessity for establishing bacteriological laboratories, for teaching the science of public health, and for modifying the organization of the staff. They contemplated the creation of an imperial sanitary department, whose duties, relations to local Governments, executive responsibilities and scientific obligations they proceeded to elaborate. The Government of Lord Curzon recognised that the picture presented to them was a true one. They admitted that sanitary administration in India is inadequate and backward, not only as compared with Western standards, but also with principles and policy repeatedly enunciated; and that lack of co-ordination and consequent waste of effort and money has resulted from an organization constituted in a haphazard and unscientific fashion, in many cases possessing few professional qualifications for the work, in others having little leisure to discharge it, and working in different parts of the country under different authorities. At the same time they were not prepared to embark hastily on the reforms proposed by the Commission. The administrative and legislative difficulties in the way were serious; but these were overshadowed by the grave financial considerations involved and the paramount need of caution in sanitary reform, regarding which they agreed entirely with Lord Elgin's Government. They contented themselves with taking one important step in advance, by proposing the creation of a separate Imperial Sanitary Commissioner. This office was originally a distinct one, but was for reasons of economy amalgamated twenty years ago with that of the head of the Indian Medical Service. In proposing its re-institution as a distinct appointment on Rs. 2,000—2,500 the aim of Lord Curzon's Government was to provide themselves with an expert adviser whose assistance would enable them first to determine the principles on which they should proceed, and then, availing themselves of his technical advice, to give effect to those principles to the extent of the resources available. But they intended that his work should also have another important side, the organization and direction of research throughout India, which will steadily increase with the development of the scheme for the establishment of bacteriological institutes which is described in para. 11 below.^a These proposals were sanctioned by the Secretary of State, and in September 1904 the Government of India by a resolution in the Home Department announced the decision to revive the separate appointment of Sanitary Commissioner and defined its relations towards the Director General of the Indian Medical Service and the provincial Governments.

(a) *H. D. desp. no. 6, d. Mar. 31, 1904.* (315.)

Lieutenant-Colonel J. T. W. Leslie, I.M.S., who possessed unusual qualifications, was selected for the appointment. Shortly after taking up his new office Lieutenant-Colonel Leslie visited the laboratories of Europe to acquaint himself at first hand with the latest methods of bacteriological research. He has since submitted a programme of proposals for reform in sanitary matters, upon which orders have just been issued by Government. It seemed to the Government of Lord Curzon that in the absence of definite instructions there was some risk that valuable ability would be wasted. Accordingly it has been laid down that the functions of the Sanitary Commissioner will be (1) to work out a practicable scheme for the reorganization of the sanitary department throughout India on modern lines, (2) to acquaint himself with the problems of hygiene in the larger cities and to enable a survey of all their sanitary requirements to be gradually made, (3) to stimulate provincial sanitary commissioners to take up the question of village sanitation, in respect of such matters as the building of model villages, the improvement of the water-supply and the removal of refuse, (4) to study the conditions of epidemic diseases and to advise on their prevention, (5) to supervise the vaccination system and to endeavour to improve the training of vaccinators and the supply of lymph, (6) to direct and to co-ordinate the activities of bacteriological laboratories with reference to a definite programme, (7) to arrange for researches into fever and dysentery in jails, (8) to consider the improvement of vital registration, (9) to promote the teaching of hygiene in medical colleges, vernacular medical schools, and general education and (10) to spend a sufficient time in touring to enable him to acquaint himself with the local conditions of the various provinces, the executive agency available for reforms, and the requirements of the various commercial interests.^a

Recently it has been found that the arrangement under which the Sanitary Commissioner, Bengal, had been subordinated to the Inspector General of Civil Hospitals, with the object of giving him more effective control over civil surgeons in their capacity of health officers of districts, did not work well in practice. It resulted in impairing the Sanitary Commissioner's power of initiative and in reducing his influence, and thus making the appointment unpopular. Accordingly, after consulting the local Government the Government of India issued orders in June 1905 directing that an independent position should be given to the Sanitary Commissioner. Bombay is the only other province in which the Sanitary Commissioner is placed under the provincial head of the medical department, but the arrangement has been allowed to continue there as the local Government do not at present desire to disturb it.

10. *Sanitary training of subordinates.*—The important question of training subordinate officials in the correct principles and methods of sanitation has been taken up energetically by the Government of Madras. Sanitary and assistant sanitary inspectors serving under local authorities are required to qualify in physiology, hygiene and bacteriological demonstrations, and the former also in sanitary or civil engineering; and lectures for the instruction of candidates have been arranged. Candidates for the post of vaccinators are also required to undergo a course of training for three months at the King Institute. In each district an officer of the grade of assistant surgeon to be paid from local funds will be appointed as sanitary assistant to the district medical and sanitary officer, and candidates will be required to produce a certificate in minor sanitary engineering and bacteriological training.

(a) H. D. letter no. 1874, d. Oct. 2, 1905. (316.)

11. *Bacteriological laboratories*.—A scheme for the provision of more adequate means for the study of the etiology and nature of disease in this country has for a long time been under the consideration of the Government of India. The decision to provide for bacteriological instruction and research throughout India was originally taken by Lord Elgin's Government in 1897. They discussed the question in connection with the scheme for a Pasteur Institute (para. 12 below), but decided that it was more important to Government to provide for bacteriological work than for the treatment of rabies, and that Government must have its own separate institutions for the former purpose. The discussion of certain proposals made by the Rana of Dholpur for a "Princes' Health Institute" led to the temporary suspension of the project: but these having fallen through, the Government of India took up the matter anew in 1899 and consulted local Governments upon a scheme drawn up by Surgeon-General Harvey.^a This involved the establishment of one central research institute at Mukhtesar, and the appointment of health officers to the existing provincial laboratories at Calcutta, Madras, Bombay, Agra and Lahore for diagnostic work. For officers employed in the new bacteriological department a liberal scale of allowances was proposed. Local Governments agreed with these proposals and the Secretary of State accepted the scheme, though he questioned whether Mukhtesar would prove the best site for the central institute of research.^b After subsequent discussion with Mr. Haffkine, Director of the plague laboratory, who was at that time designated for the charge of the new institute, it was determined to open it in the first instance at Parel where buildings were available. By the middle of 1902 the details of staff and equipment had been worked out, and the new institute was on the point of being opened, when the sudden need of concentrating all the energies of the workers at Parel upon the supply of plague prophylactic to meet the demands of the Punjab Government for its inoculation scheme (Chap. X, para. 6) made postponement inevitable. Meanwhile the Pasteur Institute (para. 12 below) had developed its activities, and it became necessary to re-examine the question of the distribution of work between the various institutions so as to avoid or minimise any clashing of functions. As a result of this discussion and of the Malkajal inquiry (Chap. X, para. 6) the scheme was further revised, and it was not until June 1905 that all details were settled in communication with the Secretary of State, and Lord Curzon's Government were enabled to announce their conclusions^c.

In brief outline, the scheme of the Government of India comprises the establishment of a central research institute at Kasauli and a laboratory for scientific medical and sanitary work at the head-quarters of each provincial Government. The functions of the central laboratory will be original research, the preparation of curative sera and the training of scientific workers. The functions of the provincial laboratories will be primarily the provision of expert assistance for the provincial medical and sanitary officers, but the superintendents will be encouraged, so far as opportunities allow, to prosecute original research. The central research institute will be located at Kasauli which has a temperate climate, is easy of access, is the site of the Pasteur Institute and within reach of large hospitals and is conveniently near the head-quarters of the Government of India and their Sanitary Commissioner; under whose administrative control the Director will work. For the post of Director,

(^a) *H. D. letter nos. 1800-1807, d. Aug. 9, 1889. (317.)*

(^b) { *F. & C. desp. no. 104, d. Mar. 29, 1900. (318.)*
Desp. no. 151 (Revenue), d. Aug. 2, 1900. (319.) }

(^c) { *F. & C. desp. no. 297, d. Aug. 13, 1904.*
Tel. d. Nov. 22, 1904

{ *H. D. resn. nos. 902-20, d. June 8, 1905. (320)* }

Lieutenant-Colonel Semple, R.A.M.C. (retd.), whose successful administration of the Pasteur Institute eminently fits him for the charge, has been selected. He has been temporarily deputed to England to purchase apparatus for the institute which will be definitely opened on his return. Most of the provincial laboratories are already in existence, although some of them must for the present undertake work which will be carried on elsewhere when the general scheme is mature. At Guindy there is the admirable institute called into existence by the efforts of Lieutenant-Colonel King, I.M.S., after whom it has been named. Here, in addition to general research work, vaccine lymph is prepared, and it may be considered desirable to manufacture curative sera also. At Bombay the plague research laboratory will eventually become the provincial bacteriological institute; but during the persistence of plague the manufacture of the prophylactic will be continued there as well as research in connection with the disease. In Bengal there is a bacteriological laboratory attached to the pathological department in the Medical College, Calcutta. In the United Provinces there is a laboratory at Agra where bacteriological and medico-legal work for those provinces and for the Central Provinces is carried on. In Burma a similar institution is about to be opened at Rangoon. In the Punjab no bacteriological laboratory has as yet been provided, and for the present the Government of India think that the Pasteur Institute at Kasauli may suitably undertake routine work for that province on such terms as may be arranged. The development of so complete a scheme should render it no longer necessary for officers to go from India to Europe to study tropical diseases: rather it may be expected that workers from Europe will seek Indian laboratories to avail themselves under competent direction of the unrivalled material for study which the diseases of the country afford.

12. *Pasteur Institute, Kasauli*.—This project, which had for some time formed the subject of discussion between Government and a committee interested in its inception, first took definite shape in 1900 when the Principal Medical Officer proposed to start a small laboratory at Kasauli, primarily for the treatment of soldiers bitten by rabid animals, and secondly for the production of curative sera. The Government of India, who felt precluded from directly managing an institution whose processes might involve experiments upon animals, decided to leave the institute to the control of the committee, but to assist it with a grant proportioned to the value of the services which it should render to the army.^a With this view they sanctioned an annual grant of Rs. 9,500, afterwards increased to Rs. 12,000: and arranged for the services of Major Semple, R.A.M.C., who was in charge of the station hospital at Kasauli, to undertake the direction of the institute. Opened in August 1900, the institute speedily justified its existence. During the first four years 321, 543, 584 and 612 patients respectively were treated, and the rate of failure was conspicuously small. It soon became necessary to arrange for the services of a second officer to assist the director, and in 1901 the Secretary of State sanctioned the seconding of an Indian Medical Service officer for this purpose.^b This sanction was for some time not fully utilized, but experience has since shown that two whole-time medical officers are absolutely necessary for the work of the institute and the Government of India are unwilling to incur the risks which would be involved with only a single officer available. Lieutenant-Colonel Semple's services were required in 1905 for other duty (para. 11) and the Government of India have accordingly

(a) H. D. letter no. 789, d. Apr. 23, 1900.

(b) Desp. no. 159 (Revenue), d. Nov. 1, 1901.

recommended the appointment of Captain Lamb, I.M.S., in his place as director and the posting of a second officer of the same service as his assistant. In 1903 the Government made a special grant to the committee of half a lakh for expenditure on buildings and equipment.^a In 1903 a house was also presented to the institute by Sir Ranbir Singh: but this was subsequently made over to Government for the central laboratory of research (para. 11 above). Delay in establishing the central laboratory and the natural expansion of activities at the Kasauli Institute have resulted in the latter's undertaking the supply of curative sera and antivenene to Government laboratories and local bodies throughout India. It has also been found convenient to utilize the institute for special bacteriological inquiries. But the position has been regularised now that the central laboratory of research has been opened, and the functions of the Kasauli Institute will in future, so far as Government is concerned, be confined to the anti-rabic treatment. In consequence of the opening of the institute previous orders authorising the advance of pay to public servants bitten by mad dogs for the purpose of enabling them to proceed to Paris were rescinded; and after reference to local Governments orders were issued in their place authorising the grant of certain other concessions in the shape of travelling expenses, pay, and leave to public servants on low pay who were similarly bitten, with the object of assisting them to reach Kasauli promptly.^b Successive reports from the director have laid great stress on the necessity for commencing the treatment without any delay; and have shown that most patients defer their journey to Kasauli longer than is prudent, the delay being most marked in the case of natives. A proposal made to the railway companies that poor patients should be carried free to Kalka was not favourably received and was eventually dropped. But at the instance of the Institute Committee the Government of India suggested to local Governments that the provision of the travelling expenses to Kasauli for poor persons bitten by rabid animals might be regarded as a proper object of expenditure from provincial and local funds.

13. *Pasteur Institute, Southern India.*—The need for the establishment of a second anti-rabic institute in the south of India was brought to the attention of Government by the occurrence of a deplorable case in which a patient living at a great distance from Kasauli was unable to reach the institute in time for the treatment to be successful. Out of a munificent donation placed at his disposal by a private benefactor, Mr. Henry Phipps, for expenditure on objects of public utility, Lord Curzon decided to allot the sum of one lakh for the provision and equipment of a Pasteur Institute in the Madras presidency.^c Questions relating to the site of the new institution and the details of its organization have since been discussed with the Government of Madras. Relying on the reported experience of Saigon as to the feasibility of conducting operations in the climate of the plains, and desiring to establish a great centre of bacteriological enterprise at Guindy (where the provincial laboratory had been built), the Madras Government at first wished to locate the institute at the latter place; but they have since deferred to the strongly expressed opinion of the Government of India in favour of a hill site, and have selected Coonoor for the purpose. The building will probably be ready by the end of the current year. Meanwhile the Government of India have supported the Madras Government in asking that an Indian Medical

(a) H. D. letter no. 1093, d. Aug. 28, 1902.

(b) H. D. letter nos. 3846-3855, d. Dec. 18, 1902. (321.)

(c) H. D. letter no. 694, d. June 6, 1903. (322.)

Service officer may be appointed as director, on the terms granted to officers in the bacteriological department. It is intended that the officer designated for the charge shall undergo a course of instruction at the Pasteur Institute, Paris, and thereafter at Kasauli. But for the reasons indicated in the case of Kasauli, it has been decided that the services of a second officer as assistant director will also be required, and the Secretary of State has been addressed accordingly.

14. *Buisson bath treatment.*—The results of the treatment of hydrophobic patients by the vapour bath system, for which baths had been provided by the advocates of the cure at twenty hospitals in northern India, continued to be observed during the years 1899—1902, when the Government of India decided that the reports might be discontinued, as they afforded no evidence of the efficacy of the treatment.^a

15. *Training in bacteriology.*—In June 1899 the Secretary of State intimated that the War Office preferred that the Indian Medical officer attached to Netley for study for the purposes of the scheme for the training of officers in bacteriology, instead of being regarded as assistant to the professor of pathology as Lord Elgin's Government had proposed, should be employed by the professor as the latter thought most suitable.^b The Government of India accepted this modification.^c Five officers of the Indian Medical Service have been successively attached to the school. In 1902 the Secretary of State inquired whether the Government of India saw grounds for modifying the present terms of deputation, but as no officer was then undergoing training, the further consideration of this question was deferred.^d Subsequently Netley ceased to be a medical school and the practice of training Indian officers in bacteriology there came to an end. In future the facilities afforded by the study leave rules of the Indian Medical Service (para. 1), together with those offered by the new research laboratories in India, will meet all requirements.

16. *Special investigations.*—The most important inquiry undertaken during the period of Lord Curzon's administration was the etiological investigation of plague which will be dealt with hereafter (Chap. X, para. 8). The progress made at the Parel Laboratory in standardizing, improving and decanting the plague prophylactic, and the results of the serum treatment of plague will also be described in the chapter relating to the disease. But the past few years have witnessed several other investigations of various forms of Indian disease—the direct result of the recent stimulus given to scientific inquiry in this country—some of which promise to yield remarkable results.

(a) *Malaria.*—The principal work undertaken by the Malaria Commissioners of the Royal Society who visited India in 1902 was an attempt to demonstrate the effect of mosquito destruction on the incidence of malaria in a feverish cantonment. Most of the very malarious stations in north-west India presented conditions unfavourable to the conduct of a crucial experiment, but eventually Mian Mir was selected, as being one of the most malarious, and as apparently presenting as few obstacles to the experiments as any other. It appears, however, that the Commissioners did not realise the difficulties to which the irrigation channels by which the cantonment is watered would give rise. With the Commissioners was associated Captain S. P. James, I.M.S., who assumed charge of the operations when the Commissioners left India until July

(a) H. D. desp. no. 25, d. June 8, 1903.
(b) Desp. no. 57 (Military), d. June 1, 1899.

(c) H. D. desp. no. 47 d. July 27, 1899.
(d) Desp. no. 50 (Military), d. Apr. 11, 1902.

1903, when one of the Commissioners, Dr. Christophers, who had in the meantime joined the service, was placed in charge. The result of two years' experiments was to show that in a cantonment like Mian Mir the prevention of malaria is not easily effected by the destruction of mosquitoes. Though nearly all breeding places within half a mile were destroyed, adult anopheles which had come from beyond the protected zone were in great abundance as the season advanced. The destruction of mosquitoes had, indeed, a certain effect in diminishing the amount of malaria among the troops and reducing the endemic index of the bazars, but these results were temporary in duration. The failure to obtain the more favourable results reported elsewhere has led to the completeness of the experiments having been questioned: but the facts appear to be that the local difficulties were serious and that the results obtained were determined by rigid scientific tests. The conclusion to which the experiments really pointed was that such operations for the destruction of mosquitoes as were considered sufficient by all advocates of this method of getting rid of malaria when the experiments were begun are actually of little use in a malarious cantonment like Mian Mir. This conclusion was adopted by the military authorities and an experiment was begun upon entirely different lines, including the closing of all irrigation channels within cantonment limits, the filling in of drains and borrow pits and the improvement of surface drainage. In 1905 the Government of India received from the Secretary of State a memorandum written by Major Ross, I.M.S. (retd.), questioning the conclusions arrived at, and suggesting the deputation of a medical officer to concert suitable measures with the local authorities in cantonments, and the appointment of a travelling malaria commissioner in the planting districts. Subsequently it was proposed that Major Ross himself should be invited to India to conduct experimental investigations. The Government of India, who have not accepted the published results of the measures taken at Ismaelia and other places outside India as conclusive, had no difficulty in showing that the Mian Mir operations had contributed materially to our knowledge of the habits of the anopheles mosquito; that nothing fresh was to be expected from a repetition of the experiments under similar conditions; that the civil and military authorities alike throughout India were thoroughly alive to the importance of anti-malarial operations; that the planting community were not disposed to contribute to the cost of a malaria commissioner nor could such an appointment be justified in view of the known conditions of the country. They accordingly thought it unnecessary to invite Major Ross to come to India.

(b) *Malarial cachexia*.—One fatal form of cachexia, characterised by enlargement of the spleen, has long been a riddle to medical men in India. Though it is not amenable to treatment by quinine, and though malarial parasites are frequently absent from the blood, this disease has until recently been described as malarial cachexia. In 1900 while examining blood films taken *post mortem* from the spleen in a fatal case of fever, Major Leishman, R.A.M.C., observed a number of microscopical bodies which he believed to be the remains of trypanosomes, and in May 1901 he published an account of his observations. In July 1903, Captain Donovan, I.M.S., discovered in Madras similar bodies in splenic blood, and as he failed to find trypanosomes in the blood, he believed the bodies to be a parasite not previously described. Specimens were forwarded to Europe where the discovery excited great interest, but the authorities were not at one regarding the nature of the parasite. At the end of 1903, Lieutenant Christophers was sent to Madras to

investigate the question. He has found the bodies in great numbers in the spleen, the liver and the bone-marrow, generally in endothelial cells but occasionally in white blood cells. The bodies are rare in the peripheral blood, and if present there, are found in the white blood cells and not in the red cells. Clinical symptoms are well marked. There is a great enlargement of the spleen, emaciation, an irregular high temperature, frequently a papular eruption and ulcers of the skin, a tendency to local gangrenes, with hæmorrhage and abdominal symptoms. It has been found that the same bodies occur in *kala azar* in Assam; and it seems almost certain therefore that the cause of one of the most common and most fatal diseases of many parts of India has been discovered. Similar bodies have been discovered in cases of Delhi boil; and one of the problems awaiting solution is the relation of these to the bodies found in the spleen in cachectic cases. It has been found (by Captain James) that the geographical distribution in India of Delhi boil and of spleen parasites does not correspond, and it is known that while Delhi boil is a comparatively mild local disease in which fever and constitutional symptoms are not as a rule present, the disease in which the parasites are found in the spleen is a very severe constitutional affection associated with long continued fever and other marked signs and symptoms. For these and other reasons it has been suggested that the parasites of these diseases, although so similar in appearance, are in reality different species of a hitherto unknown group of organisms. In the elucidation of the problem of the mode by which diseases caused by this parasite or parasites are contracted an important advance has been made by Captain Rogers, who has discovered that under certain conditions of culture outside the human body the parasite undergoes further development, the result of which is to produce bodies bearing some resemblance to trypanosomes. It may be assumed that these changes are a necessary stage in the life-cycle of the parasite and that under natural conditions they take place in the body of a second host. When this host has been found the lines of prophylactic treatment may be clear. In the meantime the enquiry carried out by Captain James in Assam has served to place upon a sound basis the view that the fatal cachectic disease in which this parasite is found is quite distinct from true malarial cachexia, and thus a satisfactory advance has been attained in our knowledge of the vexed problem of the differential diagnosis of Indian fevers.

(c) *Other new parasites.*—A parasite of the white blood corpuscles of dogs described in 1905 by Captain James and one of the red blood corpuscles of field rats described by Lieutenant Christophers are of considerable importance; the former because it was previously unknown that there exist true white blood corpuscular parasites as well as parasites of the red blood corpuscles, and the latter firstly because it is the earliest instance of the discovery in mammals of parasites of the hæmogregarine family—such parasites having been believed hitherto to be confined entirely to cold-blooded vertebrates—and secondly because the discovery by Lieutenant Christophers of its development in the bodies of lice which were present on the rats has enabled us to add this insect to the list of those by which blood parasites are conveyed. The investigation of the parasites of the white blood corpuscles has been taken further by Lieutenant Patton who has recently discovered another species in Indian squirrels, so that in all probability these will form types of yet another group of blood parasites—the *leucocytozoa*.

(d) *Ticks.*—A further recent discovery of interest is that there exists in some parts of India a species of tick which lives on the blood of human beings only, and it is not impossible that it is the insect by which a relapsing (spirillar)

fever is conveyed. Lieutenant Christophers has completed a valuable memoir upon the naked eye and microscopic anatomy of the tick, which will prove of great value to other workers.

(e) *Malta fever*.—In the region of pure bacteriology the most notable work has been the isolation from the blood of natives of India of the specific organism of what is commonly known as Malta fever. The existence of Malta fever in India has been suspected for some years past; indeed, cases with distinct clinical symptoms of the disease have been from time to time observed; but in the absence of proof that the organism was present it was not possible to say that the disease existed in India. This proof Captain Lamb has now supplied.

(f) *Snake venoms*.—For some time Captain Lamb, I.M.S., has been investigating the venom of the commoner poisonous snakes. His experiments are of great importance as they have modified the views entertained regarding the nature of snake venoms, but they are too technical a character for detailed description here. It has been shown, for instance, that M. Calmette's statement that all snake venoms are alike in their physiological action is incorrect, and that Professor Martin's hypothesis that the different effects which follow inoculation with the several venoms are due to the varying proportion in them of different poisonous proteids is untenable. The serum of a horse immunised by using pure unheated cobra venom has been shown to be strongly antitoxic against the poison used in the preparation of the serum; it has a slight neutralising effect against the venom of one of the sea-snakes and it delays death in case of intoxication with the venom of the king cobra, but it has no neutralising effect on the general action of the poison of the common karait, the banded karait, the *daboia*, the *echis*, the green pit viper or the American rattlesnake. Again the serum of a horse immunised with the pure venom of the Australian snake *hoplocephalus curtus* has been shown to be strongly antitoxic for the corresponding poison, but to have no neutralising action against the venoms of certain colubrine and viperine snakes.

In March 1902, at the instance of Sir Thos. Fraser, who had interested himself in the subject when in India, it was decided to depute Captain Elliot, I.M.S., who had already conducted some investigations into snake venom, on special duty for six months to the former's laboratory in Edinburgh to pursue his enquiries.^a The period of deputation was afterwards extended by three months.^b The subjects of his inquiries were the action of cobra venom on the blood vessels, heart, respiratory and cardio-respiratory nervous supply; the minimum lethal doses for various animals of the venoms of *enhydrina* and *enhydris*, and the symptoms produced by these; and the action of *enhydrina* venom on the blood, circulation, motor-nerves and respiration. The results have been published in the *Philosophical Transactions* of the Royal Society.

(g) *Other*.—Other special enquiries of importance were those undertaken by Major A. Buchanan, I.M.S., who investigated the form of poisoning known as lathyrism in the Central Provinces, and by Captain Robertson Milne, I.M.S., who investigated the occurrence of cerebro-spinal meningitis in India. Both officers have submitted valuable reports.

17. *Lunatic asylums*.—The efficiency of the treatment of insane persons in India is a question which has been carefully considered by Government in recent years. With a view to remedying certain defects in asylum manage-

(a) { F & C desp. no. 69, d. Mar. 6, 1902
Desp. no. 78 (Revenue), d. May 2, 1902.
(b) H. D. tel. no. 1303-A, d. Nov. 12, 1903.

ment, the Government of India in 1900 obtained the Secretary of State's sanction to the creation of three new posts, so as to provide whole-time superintendentships for the central asylums of the five larger provinces, in which patients from all over the province should as far as possible be concentrated.^a Two such appointments already existed—one at Madras and the other at Colaba. In deference to the views of local Governments, however, this scheme has subsequently undergone modification. The Madras Government demurred to the amalgamation of the asylum at Vizagapatam with that at Madras on the ground that it was desirable that insane patients should be treated in the locality to which they belonged: and the Government of India assented to the retention of three separate asylums at Madras, Vizagapatam and Calicut. In the Bombay presidency a central asylum will, it is hoped, shortly be constructed at Yaraoda with which the asylums at Ratnagiri, Poona, Dharwar and Colaba will be amalgamated. On its completion, the services of the whole-time superintendent at Colaba will be transferred to it. The asylums at Naopada, Ahmedabad and Hyderabad will remain separate. In Bengal a central asylum is at present being built at Berhampur to which patients from the Dullunda, Patna and Cuttack asylums will be transferred. There will be a separate asylum at Dacca for native patients. In the United Provinces a central asylum is being constructed at Agra for native patients only and will form the charge of a whole-time superintendent. There will be separate asylums at Bareilly and Benares. For European patients from the United Provinces it was originally intended to provide accommodation in the central asylum at Yaraoda; but proposals for a joint European asylum to be built at Chhindwara in the Central Provinces for the accommodation of all European patients in the provinces of northern India have since been put forward. The various Governments concerned are willing to co-operate; but the inception of the scheme has been delayed until it is known whether the existing native asylums at Nagpur and Jubbulpore should be amalgamated and combined with the new institution, and whether Chhindwara is suitable in point of climate for the residence of Europeans and can supply a sufficient number of official and non-official visitors. Previous Chief Commissioners have not entirely agreed on some of these points, which have accordingly been referred to the present Chief Commissioner, Mr. Miller, for full examination.

A new provincial asylum at Lahore has been established and was occupied by patients from March 1, 1900. Burma was excluded from the original scheme as it was considered unnecessary in 1900 to make any change in the arrangement under which the Rangoon asylum was held as a collateral charge by a medical officer. In 1903, however, the local Government represented that it was desirable that the asylum should be reconstituted, and the sanction of the Secretary of State was obtained to the creation of a whole-time superintendentship for the new institution.^b

To provide adequately for the whole-time charge of central asylums, it has been the aim of the Government of India to create a special service of trained alienists. These officers will ordinarily be drawn from the Indian Medical Service, though appointments are not restricted to that body: and as superintendents they will receive in addition to their pay of rank a staff salary ranging from Rs. 300 to Rs. 550 per mensem. A matter of only less importance is the determination of the emoluments of the deputy superintendents, and in consul-

(a) *Desp. no. 157 (Public), d. Dec. 13, 1900.* (328)
 (b) { *F. & C. desp. no. 215, d. July 23, 1903.* (324)
 Desp. no. 119 (Public), d. Oct. 8, 1903. (325)

tation with local Governments the Government of India have recently decided to propose a scale of allowances rising from Rs. 50 to Rs. 150.

18. *European criminal lunatics*.—It had previously been the practice to remove European criminal lunatics to England under the Lunatics Removal (India) Act of 1851 without previous reference to the Home Government. In 1904 the Home Office intimated that this arrangement was inconvenient and asked that the procedure afforded by the Colonial Prisoners Removal Act of 1884, which entailed a previous reference to England, might in future be applied. Lord Curzon's Government assented and issued the necessary instructions to local Governments.^a

19. *Medical institutions*. (a) *General Hospital, Calcutta*.—The question of improving the Presidency General Hospital, Calcutta, had engaged the attention of Lord Elgin's Government. In March 1899 the Government of India approved of the measures reported by the Government of Bengal for improving the management of the hospital, and they also sanctioned the appointment of a non-professional steward for it. In June 1899 the Government of Bengal further reported that changes were being carried out in the dieting arrangements in accordance with the recommendations of a special committee appointed to investigate the question.

(b) *Medical College, Calcutta*.—The need for providing suitable accommodation for the physiological, pathological and bacteriological departments of the Medical College, Calcutta, has long been recognised, but financial considerations had prevented the Government of Bengal from taking action. In February 1902 the Director-General of the Indian Medical Service brought the matter specially to notice in his inspection note on the college, and taking advantage of favourable financial conditions, the Government of India made a special grant of three lakhs in April 1902 for the provision of the accommodation and equipment required for the teaching of these important branches of medical science.^b For several years past the professorship of physiology in the Calcutta Medical College has been held by the resident surgeon or resident physician as has been found convenient. But recently it has been felt that this arrangement has not sufficed to provide adequately for the teaching of an important subject of the medical course and with the Secretary of State's sanction a separate chair of physiology was created in January 1905.^c In June 1905 the Government of Lord Curzon approved of certain proposals laid before them by the Government of Bengal for the revision of the establishments in the bacteriological, physiological and pathological departments of the College. The appointments of assistants in all three branches were sanctioned and in the two latter branches junior demonstrators were also appointed.^d

(c) *Medical College Hospital, Calcutta*.—The insufficiency of accommodation for patients in the Medical College Hospital, which entailed the treatment of both medical and surgical cases in the same ward and the exposure of surgical patients to risk of septic infection, led the Government of India in March 1903 to suggest that a separate surgical ward should be constructed.^e For this purpose they contributed a grant of two lakhs on the understanding that the Government of Bengal could provide the remainder of the sum required, and that it would acquire the land needed for the site and commence the building within the year 1903-04. The local Government

(a) H. D. letter no. 410-20, d. May 4, 1905. (326)
(b) H. D. letter no. 512, d. Apr. 21, 1902. (327)

(c) { F. and C. desp. no. 399, d. Oct. 27, 1904.
Desp. no. 4 (Public), d. Jan. 13, 1905.
(d) H. D. letter no. 709, d. June 21, 1905.
(e) H. D. letter no. 318, d. Mar. 20, 1903.

gladly accepted this arrangement and provided a sum of Rs. 2,20,000 in its budget for 1903-04 for acquiring the land and preparing materials for the building. The cost of the scheme was at first estimated at about five lakhs, but the Government of Bengal subsequently reported in October 1903 that a new ward consisting of eighty beds would cost twelve lakhs and asked for an additional grant of two lakhs from imperial revenues. The local Government has since explained that, in order to carry out the scheme successfully, it will be necessary to acquire land valued at about five lakhs, while the cost of the building, based on the actual cost of the male ward of the Presidency Hospital, has been estimated at seven lakhs. It has urged the necessity for a ward of eighty beds, but has withdrawn the request for the additional grant, proposing to meet the balance of the cost of the entire project from provincial funds.

(d) *General Hospital, Aden*.—The provision of English trained nurses for the General Hospital, Aden, was discussed at length with His Majesty's Government and the Government of Bombay during the years 1898-1900. The Lords of the Admiralty attached special importance to the matter in view of the number of patients from His Majesty's ships who were admitted to the hospital. Eventually the Bombay Government showed that existing arrangements by which the nurses were obtained from the local Roman Catholic mission were more economical than any possible alternative, and this view was accepted by the Secretary of State. The Admiralty thereupon withdrew their offer of an increased contribution and agreed to pay for naval patients at the rates charged by the hospital for ordinary patients.^a In 1904, however, the Admiralty offered an annual grant of £60 towards the hospital, provided that three trained nurses were maintained, to be raised to £80 if a fourth trained nurse was employed; and after reference to the Government of Bombay this offer was accepted.^b

(e) *General Hospital, Rangoon*.—In 1882 the responsibility for medical charges and the control of medical institutions within municipal limits in Burma were made over to municipal committees. In the case of the large General Hospital and two other institutions in Rangoon this arrangement was not a success: and in 1902 the local Government reported that it was highly desirable that these institutions should be taken over by Government. It was also suggested that the Rangoon General Hospital should be transferred to new buildings and completely reorganized. Pending consideration of the latter question, the Government of India approved of the proposed transfer to Government management,^c and their orders were confirmed by the Secretary of State. It is recognised that the equipment and organization of the chief medical institution in Rangoon should approach the standards of those of presidency towns; but the details of the reorganization depend largely upon the question of the future size and arrangement of the buildings regarding which further information is awaited.

(f) *Medical School, Agra*.—In June 1902 the Government of the United Provinces recommended that the allowance of Rs. 250 a month given to the Civil Surgeon of Agra for the charge of the Agra Medical School should be increased to Rs. 500, but after examination of the arrangements made in other medical schools the Government of India declined to accept this recommendation. In 1904 and again in 1905 the Government of India sanctioned the creation of additional civil assistant surgeoncies for the purpose of strengthening the staff of the school. In November 1903 the local Government suggested that a separate school should be established for training military students, or that in the alternative the present school should be enlarged, but it demurred to any expenditure which this might involve falling on provin-

(a) Desp. no. 120 (Military), d. Oct. 18, 1900.

(b) { H D. desp. no. 8, d. Mar. 16, 1905.

cial revenues. These suggestions were not approved by the Government of India, who held that the extension of the school was properly a charge upon provincial funds.

(g) *Medical School, Rangoon*.—Burma has hitherto relied on other provinces for the training of its hospital assistants, but in recent years the desirability of creating a local medical school has become apparent and the Government of India in June 1905 supported the local Government in proposing to establish such an institution^a. The annual cost will be about Rs. 6,000 and it is hoped to begin with 15 or 20 students. The scheme will be regarded as experimental for a period of five years.

(h) *Walker Hospital, Simla*.—In 1899 a private benefactor, Mr. James Walker, offered the site of Gorton Castle in Simla, originally purchased by him for Rs. 80,000, for the construction of a new European hospital. The Government of India who desired to secure the Gorton Castle site for new Government offices, (for which no other site was equally convenient), proposed to Mr. Walker that he should allow his donation to be associated indirectly rather than directly with the hospital by accepting the sum of Rs. 1,20,000 for the site and placing this sum for the disposal of the Committee. Mr. Walker agreed to this suggestion. In addition to the sum thus made available the Government made a grant-in-aid for the construction of the hospital of Rs. 40,000 and a further charge of Rs. 20,000 was foregone on account of establishment, tools and plant. The new hospital was constructed on a site granted by the Punjab Government on the north side of Jakko and was opened for the first time in April 1902. Subsequently it was further aided by the grant of the services of a military assistant surgeon. An application received from the Committee of the hospital in October 1902 for a grant of Rs. 30,000 towards the cost of equipment and maintenance was negatived by the Government of India on the ground that the appeal was premature.

Towards the end of 1903 the Government of India were approached on behalf of the members of the Secretariat establishments with the request that in order to facilitate the reopening of the wards in the Ripon Hospital in Simla an annual grant-in-aid might be made to that institution. They ascertained, however, that no further accommodation could be made available for Europeans in the Ripon Hospital without prejudice to the interests of the native patients for whom that hospital was primarily intended. They were therefore unable to accede to the particular request preferred, but they considered that assistance might reasonably be rendered to the clerks in meeting the comparatively high fees charged at the Walker Hospital and they accordingly decided to meet, on account of each subscriber to the Hospital Aid Fund or member of his family admitted to the Walker Hospital, the difference between the minimum daily charge at that institution and the sum of Rs. 3 per day which the fund provided for its subscribers when in hospital.

In September 1904 the Government of India also sanctioned the proposal made by the Punjab Government that a contribution of Rs. 6,000 a year for two years should be made towards the maintenance of the hospital which was then in need of financial assistance^b.

20. *Health officer, Simla*.—For some time past the sanitary condition of Simla had been a source of some anxiety and the various measures proposed for its improvement have been elsewhere described (Chap. II, para. 11). Pending a decision upon the question of the arrangements to be made for the future administration of the station, the Government of India determined that a commissioned medical officer should be appointed as health officer at Simla without delay, as the civil surgeons had no time to supervise sanitary matters

(a) F. D. desp. no. 240, d. June 29, 1905.

effectively and the health officer employed by the municipality had not the requisite status or qualifications for such important duty. Accordingly after consulting the Punjab Government it was decided to create a temporary appointment in the first instance to be filled by an officer not above captain's rank. Lieutenant Murray, I.M.S., was selected for the appointment in April 1905.

21. *Disease in cantonments.*—The rules issued by the Military Department in 1897 under the Cantonment Act, 1889, to repress disease in cantonments were found to fail in their purpose because they did not apply to surrounding areas ; and in September 1899, after consulting local Governments, the Government of India issued instructions to remedy this defect. They directed that the rules should ordinarily be applied to villages which owe their existence to cantonments and are mainly inhabited by camp followers. Agricultural villages of long standing were to be brought under their operation only in special cases and for cause shown. The commanding officer was empowered to administer the rules in the case of the villages to which they might be applied in the same manner as if these formed part of the cantonment. In Burma there was a consensus of opinion that the rules might be properly extended to all villages adjoining cantonments, and the Government of India therefore agreed to this arrangement as an exception to the general principle. In the case of municipalities adjoining cantonments, the accepted principle that cantonment authorities and police should exercise no jurisdiction in municipal areas made it impossible to extend the rules generally, but local Governments were invited to enforce proper precautions under municipal rule, power to do so being taken if necessary by an amendment of the municipal Acts. Rule 10, however, of the cantonment rules of 1897 (corresponding to section 204 of the Cantonment Code), which gave the commanding officer power to order the removal from the cantonment of persons of bad character, was extended to municipal areas adjoining cantonments as its extension was not contrary to the principle above indicated*. In April 1903 the Government of Burma proposed to amend the Burma Municipal Act with the object of preventing the spread of venereal disease. The proposals contemplated compulsory measures which were new to the statute book, and after further discussing them with the local Government Lord Curzon's Government decided on general grounds that legislation was undesirable. In lieu of an amendment of the law they suggested that the health of the troops at Rangoon might be sufficiently protected if certain additional sections of the Cantonment Code were extended to the municipality,—special safeguards being applied to prevent friction between the civil and military authorities^b. The local Government has recently proposed to take similar action in the case of other municipalities which adjoin cantonments, but it is the policy of the Government of India to proceed in these matters with caution and it is doubtful if the proposal will be agreed to.

22. *Vital registration.*—Apart from the passing of the Madras Registration of Births and Deaths Act in 1899, which enabled the local Government to introduce compulsory registration in selected non-municipal areas, there is not much of moment to record under this heading. Elsewhere vital statistics have continued to be recorded by the admittedly imperfect machinery of the village watchmen and the police. The census results were compared with those obtained by the registration agency in the Sanitary Commissioner's report for 1901. The conclusion suggested was that registration results were slowly but surely improving. The recording of plague seizures and deaths has been of some effect in this direction. But much remains to be done :

(a) H. D. letter nos. 2702—2703, d. Sep. 19, 1899. (328)

(b) H. D. letter no. 177, d. Oct. 15, 1904.

and it is the intention of Government to take up the question anew in the light of the conclusions of the English actuary who has examined the census figures, and whose report has after great delay only just reached them. With this object local Governments have been asked for precise information regarding the methods of registration now in force both in towns and rural areas. A proposal submitted in 1905 by the Sanitary Commissioner to take an accurate census for the close observation of vital statistics in small selected areas was negatived, on the ground that harassment and alarm would be caused and that no legislative authority existed for the enforcement of the measure. In the case of the presidency towns and Rangoon, however, the question has been separately pursued, and in November 1904 a conference was held at Calcutta under the presidency of the Sanitary Commissioner with the Government of India for the purpose of settling a uniform system of tabulating the vital returns. The proposals have been referred for the consideration of the Governments concerned.

23. *Vaccination.*—In spite of the adverse influences of famine and plague in recent years, the vaccination agency has on the whole made progress. In 1903-04 the number of persons vaccinated among the civil population of British India was nearly $8\frac{1}{2}$ millions, as compared with $8\frac{1}{2}$ millions in 1899-1900. In 1901 the Government of India drew attention to the ineconomy of the Bengal system of licensed vaccinators and inquired whether it would not be better to introduce a paid service as in the United Provinces. The Government of Bengal preferred to content itself with other reforms, and the Government of India accepted its opinion; but in 1905 the local Government was itself forced to reconsider the question by the rise in the small-pox mortality, and in the interests of efficiency the pay of district inspectors of vaccination has been raised. No change has been made in the system of leaving vaccinators to be remunerated by fees: but rewards for good work have been instituted, *chaukidari* panchayats are employed in collecting fees, and better qualifications are insisted on. In Burma the practice of inoculation for small-pox still survives and further improvement of the vaccination system must precede its abolition. The local Government was for the time being unable to adopt an expensive scheme put forward by its Inspector-General for strengthening the staff; but it has called on district officers to use their influence in upholding the vaccinator's position and generally in furthering the work. More recently, however, additional native superintendents have been appointed in Burma and their pay and that of vaccinators has been largely improved. In Madras a large vaccine institute has been established under the supervision of the superintendent of the King Institute of Preventive Medicine, from which the entire presidency will now be supplied with lymph. Candidates for the posts of deputy inspectors and vaccinators will also undergo a special course of training in the institute. In the Punjab valuable experiments were conducted by the deputy sanitary commissioner which resulted in demonstrating the superiority of glycerinated lymph treated with chloroform over vaselinated lymph, and the former has now been adopted for general use in the province.

24. *Quinine distribution.*—In October 1903 the Government of India reviewed the progress of the scheme which had during the past decade been gradually introduced in the various provinces for the supply of quinine at a low price to the poorer classes of the population. In the provinces where sales were small they urged on local Governments the desirability of taking such measures as were in their power to extend them.^a They further suggested that the packets should contain seven grains of quinine and should be sold at a uniform rate of

one pice per packet. They directed that the quinine should be no longer coloured, and they recommended that a short notice in the local vernacular stating that the drug is supplied under the authority of Government should be printed on the paper in which the dose is wrapped. A set of instructions for self-treatment drawn up by Captain James, I.M.S., was also circulated, with the suggestion that the quinine should also be made available for sale in two-anna parcels, each containing eight packets accompanied by a copy of the printed instructions. The Government of Madras have since represented that there are advantages in colouring the quinine, and the Government of India, while maintaining their own opinion, have left the matter as regards that presidency to the discretion of the local Government.^a Pink quinine is also in use in the Bombay presidency, but the Government of Bombay are considering whether to permit its continuance. Analyses made in 1904 suggested that the quality of the Madras quinine is not equal to that of the quinine produced in Bengal, and the Madras Government are endeavouring to improve the quality of the local product.

25. *Leprosy*.—In 1904 the attention of the Government of India was called to the fact that Captain Rost, I.M.S., of the Rangoon General Hospital, was issuing a preparation known as “leprolin” which purported to be a cure for leprosy based on a cultivation of the bacillus of that disease. No bacteriologist had hitherto been able to make good a claim to have cultivated the bacillus successfully and there appeared reason to doubt whether Captain Rost had really done so. The Government of India accordingly stopped the issue of leprolin until it should be shown that the bacillus had been actually cultivated and that the preparation was free from danger. Captain Rost was directed to send specimens of leprolin to the laboratories at Kasauli and Parel for examination. The reports from these institutions were unfavourable and suggested that though an acid-fast bacillus had been cultivated it was not the *bacillus leprae*, while there was unfortunately no doubt that the leprolin preparation was impure. The Government of India then decided to depute Captain Rost to the Kasauli Institute in order that he might devote his time to further experiments and endeavour to bring his discovery to a successful issue. Further reports received in May 1905 only confirmed the earlier conclusion that the bacillus of leprosy had not been discovered; and the Government of India accordingly prohibited the further use of leprolin in public asylums or in Captain Rost’s private practice. Various foreign and colonial Governments which had inquired about the alleged discovery were informed of the disappointing result of the inquiry.

Otherwise there is little that calls for record in the history of the treatment of leprosy in India since the year 1899, though various instances of individual liberality deserve acknowledgment. In March 1899 a contribution of £1,000 from the National Leprosy Fund in England, together with a portion of the interest which had accrued thereon, was presented to the Albert Victor Asylum at Calcutta. A sum of Rs. 270 out of the interest which had accumulated was also made over to the Burma Government for distribution between the Mandalay asylums. In May 1903 a further sum of £50 was received through the Secretary of State and distributed equally among the Governments of the five major provinces. A further sum of £50 was received in August 1904 and paid, in accordance with the anonymous donor’s wishes,

(a) H. D. letter no. 366, d. Apr. 18, 1904.

to the Mission to Lepers in India. Again in June 1905 the Government of India received a donation of £50 in aid of leper institutions from Major-General Lockhart and this was allotted equally between the Central Provinces and Burma. In 1901 the general Lepers Act (III of 1898) was extended to Assam, where a Bengal Act of earlier date was previously in force: and in 1902 the Act with necessary modifications was applied to the territories under the Resident at Hyderabad. In 1903 the Act was formally amended so as to provide for the segregation and medical treatment of leper patients from native states in asylums situated in British India.

26. *Indigenous drugs.*—Experience having shown that the system of provincial committees for the prosecution of inquiries into the efficiency of indigenous medicinal plants was not working well, the Government of India decided in March 1901 to abolish the provincial committees, which had hitherto had conduct of the investigation, and to entrust the enquiry in the various provinces to selected officers in communication with the central committee. The co-operation of civil surgeons and of jail authorities was also invited.

In October 1904 the Secretary of State forwarded a letter from the British Pharmacopœia Committee inquiring which of the drugs and preparations included at present in the addendum were thought worthy of inclusion in the new pharmacopœia and which should be omitted. It was ascertained that the Indigenous Drugs Committee were not prepared pending further trial to propose the inclusion of any new drugs in the pharmacopœia itself: but the Government of India invited them to consider further the question of making additions to the addendum.^a

27. *Indents for stores.*—In July 1901, at the instance of the Director-General of Stores at the India Office, the Government of India inquired from local Governments whether they preferred that medical schools and colleges should indent for chemicals and apparatus through the medical store depôts or, as extant orders permitted, directly through the local Government on the India Office.^b The balance of opinion was decidedly against a change, and the Government of India decided in January 1902 to maintain the existing procedure.^c Local Governments have, however, been permitted to obtain direct from the manufacturers or agents in England chemicals and apparatus required for bacteriological and pathological laboratories within the limit of the funds annually allotted for the purpose to each institution.^d

In May 1902, the Bengal Government asked permission to obtain chemicals and apparatus required for the chemical examiners' department direct from the manufacturers and agents in England. The Government of India supported the proposal, but the Secretary of State was unable to accede to it.^e In the following year Mr. Burls, the Director-General of Stores at the India Office, visited India to confer with the officers of Government upon the whole subject with a view to facilitating the procedure and expediting the supply of articles required. As a result of his discussion with them the India Office agreed to modify its procedure so as to go further in the direction of meeting the specific requirements of indenting officers, and a number of selected officers were permitted to correspond directly by telegraph with the India Office regarding the details of indents submitted by them.^f

(a) H. D. desp. no. 2, d. Jan. 26, 1905.

(b) H. D. resn. nos. 1197-1209, d. Oct. 21, 1901.

(c) H. D. letter nos. 1048-52, d. July 13, 1901.

(d) H. D. letter nos. 127-36, d. Jan. 31, 1902.

(e) { F. & C. desp. no. 192, d. July 10, 1902.

Desp. no. 160 (Revenue), d. Sep. 12, 1902.

(f) H. D. letter nos. 982-90, d. Oct. 15, 1904.

28. *Indian Ports (Amendment) Act.*—For some years past it had been recognised that the provisions of the Indian Ports Act, 1889, did not give the necessary authority to enforce complete precautions against the importation of disease by sea: and as the outcome of prolonged correspondence, the Government of Lord Elgin in December 1898 submitted to the Secretary of State a draft amending bill empowering local Governments to frame rules for the medical inspection and quarantine of vessels and the treatment of the persons and cargo on board. The bill met with certain criticisms from the Secretary of State and a revised draft was circulated to maritime Governments in July 1899 and was further considered on receipt of their replies.^a The bill discriminated between diseases common and uncommon in India. In respect of the former, local Governments were empowered to deal only with vessels arriving at or in a port where such disease existed. As regards the latter, they were given wider powers so as to be able to deal with ships which are or have been infected, or which arrive at or depart from an infected port. It was not intended to authorise quarantine: and the term was struck out of the proposed bill and rules. As regards uncommon diseases, the Government of India intended to adapt the shipping rules for plague which had been framed under the Epidemic Diseases Act and since modified in accordance with the Venice Convention. An account of these will be found in Chap. X, para. 15. In respect of common diseases a set of model regulations was drafted after consideration of the rules suggested by various Governments; and these, together with the revised draft bill, were submitted to the Secretary of State in July 1900.^b Lord George Hamilton approved of the bill; but drew attention to the necessity for making the rules as nearly as possible identical for all ports.^c The bill became law on February 22, 1901, and maritime local Governments were then asked to frame rules for common diseases on the lines of the model sent home and to submit them for the previous sanction of the Governor General in Council. In dealing with the various rules submitted, it has been the aim of the Government of India to secure uniformity in respect of such provisions as are of immediate concern to the shipping community: such as the degree of supervision and interference which the rules authorize; the use of lights and signals; the obligations laid upon the master of a vessel; and the instructions regarding disinfection.^d And to enable the rules to be made by local Governments, cholera, small-pox, measles and chicken-pox have been declared to be dangerous infectious or contagious diseases common in India.^e The Governments of Madras, Bengal and Burma have now issued their rules. The Government of Bombay also have done so provisionally for the ports in the presidency proper and for Aden. After reference to maritime Governments a change was made in the lights used for night signalling and three vertical white lights are now prescribed: the Board of Trade have however recently suggested that the signals used in Indian waters should be assimilated to those in use in England. As regards uncommon diseases the Government of India propose to take up the question of framing rules in connection with the cognate inquiry regarding the possibility of making uniform shipping rules for plague.

29. *Inspection of ships.*—The adoption of precautions against the infection of Indian ports from abroad necessitated some provision for the inspection of ships arriving or departing on holidays and Sundays. The Government of India were at first opposed to the proposal to remunerate the staff from whom these

(a) H. D. letter nos. 2184—87, d. July 10, 1899.

(b) H. D. desp. no. 12, d. July 5, 1900.

(c) Desp. no. 149 (Revenue), d. Aug. 30, 1900.

(d) H. D. letters nos. 1347—50, d. Sep. 4, 1903. (330.)

(e) H. D. notn. no. 1777, d. Dec. 9, 1903.

extra duties were required by charging fees to the owners : but eventually they accepted this arrangement as the best practical test of the urgency of each case. The Secretary of State, however, considered that, following the English practice, the owners ought not to be required to pay for inspections made on holidays, though it was reasonable that the staffs engaged should be compensated for their loss of rest. The Government of India thereupon agreed to allow the inspecting staff to receive fees, graduated according to the class of vessel and defrayed from general revenues, subject to a general limit in each month of one-fifth of salary.^a This arrangement was afterwards found to work unevenly : and the Government of India consulted local Governments upon the alternative suggestion that each member of the staff engaged should be allowed an additional remuneration of $\frac{1}{30}$ th of his pay for each Sunday or close holiday on which he was engaged on inspection duty.^b The proposal was generally accepted ; and was eventually sanctioned by the Secretary of State.^c Local Governments were then asked to satisfy themselves that an unnecessarily large staff is not employed on the inspections. With the Secretary of State's approval the Government of India also prescribed a similar method of remuneration for the staff employed for the inspection of vessels lying outside the Madras harbour limits, or for such inspections at other ports in Madras during bad weather. The allowances are in this case doubled when the work is done on a Sunday or close holiday. Similar questions arose at Aden in connection with the inspection of vessels at night. It was the practice of the port health officer to conduct such inspections when requested by the shipping agents, but to charge a fee therefor. The Government of India decided that such charges were irregular and that the inspection at night of all mail steamers if necessary must be regarded as one of the health officer's ordinary duties. At the same time they intimated that if the additional work was shown to involve an appreciable burden, they would be ready to consider the question of compensating him for it. In due course it appeared that these orders had resulted in a material increase of work, and with the Secretary of State's sanction an allowance of Rs. 150 per mensem was granted to the health officer.^d In the port of Madras also it became necessary to provide for the medical inspection of steamers which were working cargo at night. The Government of India agreed to payment by fees in the case of the assistant port health officer, but ruled that night service formed one of the normal duties of the police and that no extra remuneration was admissible to the police force who were called on to assist.^e

30. *Sleeping sickness*.—The possible danger that the sleeping sickness which has been prevalent in Uganda since 1901 might invade India has not escaped attention. In 1902 maritime Governments were warned to instruct port health officers to be on the look-out and in January 1903, at the instance of the Secretary of State, they were asked whether further precautionary measures should be taken.^f About the same time the Government of India deputed Captain Greig, I.M.S., an officer of the Parel laboratory, to join the Royal Society's Commission which was investigating the disease in Uganda. Pending the receipt of his report, it was decided that the passengers and crews of all ships arriving from East Africa should be inspected ; but in the absence of more accurate information further precautions are impossible.^g No case of the disease is known to

(a) { H. D. resn. nos. 1044—49, d. June 3, 1901.
 { H. D. resn. nos. 1225—30, d. May 15, 1902.
 (b) H. D. letter nos. 1709—12, d. Nov. 23, 1903.
 (c) { F. C. desp. No. 312, d. Sep. 1, 1904.
 { Desp. no. 171 (Revenue), d. Nov. 4, 1904.
 (d) { F. & C. desp. no. 364, d. Nov. 19, 1903.
 { Desp. no. 3 (Revenue), d. Jan. 15, 1904.

(e) H. D. letter no. 1647, d. Nov. 9, 1903.
 { H. D. letter nos. 61—2, d. May 10, 1902.
 (f) { H. D. letter nos. 745—48, d. June 9, 1902.
 { H. D. letter nos. 1133—36, d. Sep. 10, 1902.
 { H. D. letter nos. 83—86, d. Jan. 28, 1903.
 (g) H. D. letter nos. 1016—17, d. Aug. 18, 1903.

have reached India yet. Certain experiments are now being conducted at the Parel laboratory in connection with the transmission of sleeping sickness. Captain Greig's report has very recently appeared in the sixth report of the sleeping sickness commission of the Royal Society.

31. *Jigger*.—For some years past port health officers have been instructed to be on their guard against the possible importation of the jigger pest into India, and information regarding its prevalence and treatment has been from time to time communicated to local Governments. At Karachi special arrangements were made for the inspection of returning emigrants. The adoption of the necessary precautions will be provided for hereafter by the issue of rules under the Indian Ports Act for dealing with diseases uncommon in India (para. 28 above). Early in 1904 the Government of Bengal proposed to notify jigger as a dangerous disease uncommon in India, but the Government of India thought it premature to take action.

32. *Yellow fever*.—In July 1903 the Royal Society called attention to the danger of yellow fever being communicated to India from the infected areas of the West Indies in consequence of the quickening of transit which might be expected to ensue from the opening of the Panama Canal. The Government of India considered the result of recent investigations into the causation of yellow fever, but as the canal would not be opened for some years to come they determined to wait until the etiology of the disease was better known and suitable measures to prevent its spread to Asia could be devised.

33. *Pilgrim traffic*.—The precautions adopted in India to prevent pilgrims from carrying the plague infection with them to Arabia or Europe are described in chap. X. A few matters in connection with the treatment of Indian pilgrims during the voyage or in the Hejaz call for notice here. In 1900 the Secretary of State inquired about the alleged non-payment of quarantine dues by Indian pilgrims. The Government of India replied that, regarding the indiscriminate quarantine imposed by the Turkish Government at Camaran as unjustifiable, they were indisposed to take any action which would result in facilitating the collection of the dues.^a To this opinion they adhered when in 1902 the Ambassador at Constantinople and in 1903 the Vice-Consul at Hodeida suggested that Indian pilgrims would be saved from an appreciable loss on exchange if the dues were paid by the shipping companies on their behalf and were included in the price of the passengers' tickets.^b In 1902, however, when the Vice-Consul drew attention to the question of exchange, the Government of India suggested to the Governments of Bombay and Bengal that as gold was accepted at a favourable rate of exchange, the pilgrims should be advised and assisted to take their money with them in the form of sovereigns.^c This proposal has been adopted, but though the results promised at first to be successful, further experience has shown that only about a quarter of the pilgrims, who are usually ignorant people, can be induced to avail themselves of the facilities offered. Certain other charges, known as fixed dues, to which the Government of India do not object, are also imposed on the pilgrims. The inclusion of these dues in the price of the tickets is authorised by the pilgrim rules and it has in recent years been usual to include them. The Consul at Jedda recently suggested that they should be compulsorily included and the question was discussed with the two local Gov-

(a) H. D. desp. no. 5, d. Feb. 14, 1901 (331).

(b) H. D. letter no. 1828, d. July 28, 1902.

(c) H. D. letter nos. 2174-75, d. Oct. 4, 1902.

ernments of Bombay and Bengal : but in the event it was decided to leave the matter optional until it was known whether the Turkish Government was willing to relax the rules for quarantine at Camaran.

The Government of India have for years consistently protested against the unnecessary harassment of Indian pilgrims which is involved in the detention at Camaran, and in 1904 Lord Curzon's Government, whose attention was called to the subject by His Highness the Aga Khan at the Legislative Council meeting of March 18, determined to make a further effort to procure an amendment of the rules.^a The recent international sanitary convention at Paris afforded, they thought, a suitable opportunity for reopening the question and again asking His Majesty's Government to move the Government of the Porte to bring its sanitary regulations into accord with the requirements which modern science approves as sufficient. When the Turkish rules for the pilgrimage of 1905-06 were being settled the British delegate on the Constantinople Board of Health endeavoured to obtain a reduction in the period of quarantine imposed on Indian pilgrims from ten to five days. But though the proposed reduction has been admitted in principle its application has in practice been postponed for another year. The Ambassador has meanwhile undertaken to continue his efforts to effect the reduction desired, and to further this subject has asked that certain information may be supplied to the Turkish Consul-General, Bombay.

Apart from measures taken in the guise of sanitary precautions, Indian pilgrims in the Hejaz have suffered great harassment and loss at the hands either of Bedouin robbers or unscrupulous Turkish officials or pilgrim agents. In July 1899 a strong representation was made by the Ambassador at Constantinople to the Grand Vizier on the subject of the outrages and ill-treatment suffered by Indian pilgrims and demand was made for the settlement of claims on account of losses by robbery or extortion. Complaints were again made by pilgrims returning in 1900 against the misdoings of pilgrim agents and camel drivers. In 1901 contributions towards the expenses of the Damascus-Mecca Railway were levied from all pilgrims by the Sherif of Mecca. During the pilgrim season of 1902-03 returning pilgrims were practically compelled at Mecca to buy slips of paper to be exchanged for steamer tickets at excessively high rates, but the Vice-Consul at Jedda took timely action and succeeded with the help of the Wali in stopping the sale. The pilgrims on their return again complained of fraud and extortions and assaults by Bedouins. But matters seemed to be improving as it appeared that they were guarded with police on the roads and the Turkish Government paid an indemnity in a few cases for losses which they suffered by robbery. In 1904, however, brigandage and raids by Bedouins revived and most of the pilgrims were prevented from going to Medina in the caravan which usually starts before the Haj, as the camelmen had dispersed owing to the disturbance among the Bedouins. Those who had paid camel hire in advance had difficulty in recovering their money, but an arrangement was eventually made by the Vice-Consul to their satisfaction. The Consul also succeeded in obtaining an indemnity from the Turkish authorities for the robberies suffered by some pilgrims in the Hejaz; but many of the victims did not apply to the consulate for payment. The Begum of Bhopal who was a pilgrim in 1904 also experienced much difficulty, as the Bedouins forcibly resisted the passage of her party, though it had a strong escort. During the last Haj the roads in the Hejaz were much safer and no serious attacks were made on pilgrim caravans.

(a) *H. D. desp. no. 27, d. Oct. 6, 1904 (332).*

The disposal of indigent pilgrims who year by year are stranded without means in the Hejaz continues to present difficulties; but the Government of India have hitherto refused to accept the responsibility for their repatriation, or to require the pilgrims to purchase return-tickets before their departure from India. In 1903 the Government of India condoned, after the fact, the irregular despatch of a returning pilgrim ship without a properly qualified medical officer: but in May 1904, during Lord Curzon's temporary absence, they entirely declined to agree to the despatch of pilgrims in excess of the number authorized by the rules. But the procedure adopted in respect of returning pilgrims can be treated more conveniently under the head of the precautions adopted in India itself (Chap. X, para. 16), and the question of taking further measures with this object will be there discussed.

In 1903 and 1904 certain shipping companies proposed that the rule requiring that the between-decks of pilgrim ships shall be of wood or of iron sheathed in wood should be altered on the grounds of sanitation and economy. The rules were based upon the Venice Convention of 1897 and the Government of India were not disposed to move in the matter of their modification; but as the recent Paris Conference subsequently agreed to relax the rule the Government of India readily adopted the change then made.

34. *Medical arrangements on railways.*—In March 1901 a severe outbreak of cholera occurred among the coolies employed on the construction of the Bengal-Assam railway in the Lakhimpur district. It appeared to the Government of India that unnecessary loss of life had resulted from the inadequate action taken by the local officers, and the Principal Medical Officer, Assam, was called on to explain his apparent failure to discharge his responsibility for the sanitary arrangements on the railway. The Government of India were unable to regard Colonel Carr-Calthrop's explanation as satisfactory, though they recognised that he had been placed in a difficult position by the decision of the previous Chief Commissioner that it was not necessary to employ a special medical officer for the inspection of the coolie camps.* The question of definitely formulating the respective duties of the civil and railway authorities in the matter of railway medical arrangements is being further considered. The railway authorities are generally averse to the intervention of Government, but the Epidemic Diseases Act gives full powers of interference and the Government of India have not yet accepted their view.

The necessity of protecting the summer head-quarters of Government from possible infection led to correspondence with the Punjab Government and the Agent to the Kalka-Simla railway regarding the sufficiency of the medical arrangements on that line. In July 1903 a sharp outbreak of cholera occurred on the works but was fortunately suppressed before it invaded Simla. The railway authorities have now agreed to employ a properly qualified medical officer to supervise the sanitary arrangements along the line.

35. *Nursing service.*—Her Excellency Lady Curzon, whose attention had been called to several regrettable cases in which the lives of officers were lost through lack of efficient nursing, approached the Government of India in the beginning of 1904 with a scheme designed to remedy this deficiency, the details of which had been previously considered by a small informal committee convened by Her Excellency. The scheme contemplated the organization of a service of thirty highly trained civil nurses who should be attached to European

(a) H. D. letter no. 2019, d. Sept. 2, 1902

hospitals at head-quarters stations and should be available when required for attendance on the civil gazetted officers of Government and their families. It was estimated that in the main the project would be self-supporting, but Government was asked to assist by bearing the pensionary charges and giving an advance of $1\frac{1}{2}$ lakhs repayable on easy terms. The scheme was limited in the first instance to the provinces of northern India. The Government of India cordially supported Lady Curzon's proposals to the Secretary of State.^a Mr. Brodrick's reply was sympathetic but critical. He recognised the necessity for endeavours to improve the supply of nurses, but expressed doubt whether in the form submitted the proposals were well calculated to stimulate self-help and whether the responsibilities of Government towards the undertaking were sufficiently defined. He was not prepared to meet the cost of providing pensions for the nurses, but he offered a fixed donation of Rs. 25,000, together with an annual grant-in-aid equal to the amount of the subscriptions received. He desired moreover that the interests of existing private associations should be carefully consulted and the possibility of their amalgamation considered. Accordingly the Government of India obtained particulars regarding existing associations for the supply of nurses, and in August 1905, on receipt of their replies, they consulted local Governments upon a revised scheme.^b They proposed to extend the scope of the new service to all provinces in India and to provide nurses not only for the officers of Government but for all European residents in the country. Replies are now being received. The protracted discussion which has been necessitated by the inherent difficulties of the subject will unfortunately prevent the scheme from maturing in time for Lady Curzon herself to witness its fruition, but it is hoped that it will prove of great value under other auspices.

36. *Village sanitation*.—Though the annual reports indicate a perceptible though slow improvement in the sanitation of rural areas, which is probably attributable at least in part to measures directed against plague, the only province in which the matter has recently called for action on the part of the Government of India has been the Central Provinces. In 1902 the Chief Commissioner represented that the existing Village Sanitation Act of 1889 was in several respects defective. It failed to provide for the case of villages where weekly bazars were held, for the levy of occasional contributions for special purposes, and for the recognition of scavenging by private arrangement. The only form of taxation which it authorised was of a nature unsuited to small rural towns. A bill was accordingly submitted to remedy these defects by legalising various forms of income which were already levied by common consent and frequently applied to sanitary purposes—facts which showed that they were congenial to the people.^c The bill was approved by the Government of India and was eventually passed into law as Act XI of 1902.

37. *Sewage disposal*.—In pursuance of a suggestion made by the Royal Society Lord Ampthill's Government after consulting the Board of Scientific Advice arranged for an interchange of views between investigators in England and investigators in India who were dealing with the question of the disposal of sewage.^d Reports on schemes and experiments in progress in this country were accordingly called for from local Governments.^e These have now been

(a) { F. & C. desp. no. 101, d. Mar. 31, 1904. (333)
{ Desp. no. 161 (Revenue), dated Oct. 21, 1904.
(b) H. D. letter nos. 977—86, d. Aug. 30, 1905.

(c) C. P. letter no. 8214, d. Aug. 26, 1901.
(d) R. & A. desp. no. 32, d. July 28, 1904.
(e) H. D. letter nos. 1398—1406, d. Sept. 24, 1904.

received and selections from them are being sent to England. Similar reports on experiments carried out in England have been forwarded by the Secretary of State and it is proposed to send copies of them to certain local Governments. The Government of India have also decided to permit the sanitary engineers of the larger provinces to correspond direct with the Royal Commission on sewage disposal. In Bengal a committee was recently appointed by the local Government to examine the working of septic tank installations particularly those discharging effluents into the Hughli. In consequence of its recommendations the Government of India were requested to obtain the services of a highly qualified sanitary engineer from England for six months to work out the system of purifying the effluents by filtration through sand so that their discharge may cause no bacterial contamination of the river water." The Secretary of State has been asked to place the proposal of the Bengal Government before the Royal Commission on sewage disposal and to select an expert if they consider that he could render useful assistance.

38. *Medical publications.*—In June 1901 the Bombay Government recommended that two reports upon investigations of leprosy and anti-venomous serum conducted at the Parel Laboratory might be published as part of the laboratory transactions. The Government of India agreed that the papers were worthy of publication, but thought that all important records of investigations undertaken at Parel or elsewhere should be published by the Supreme Government under the control of their Sanitary Commissioner.^b This decision initiated the issue of a new series of papers on scientific subjects entitled "Scientific Memoirs by officers of the medical and sanitary departments of the Government of India." The following papers have up to date appeared:—

1. Standardisation of Calmette's anti-venomous serum with pure cobra venom : the deterioration of this serum through keeping in India, by Captain G. Lamb, I.M.S., and W. Hanna, Esq., M.B.
2. Malaria in India, by Captain S. P. James, I.M.S.
3. Some observations on the poison of Russell's Viper (*Daboia Russellii*), by Captain G. Lamb, I.M.S., and W. Hanna, Esq., M.B.
4. On the action of the venoms of the cobra (*Naja tripudians*) and of the *Daboia* (*Daboia Russellii*) on the red blood corpuscles and on the blood plasma, by Captain G. Lamb, I.M.S.
5. Specificity of anti-venomous sera, by Captain G. Lamb, I.M.S.
6. First report of the anti-malarial operations at Mian Mir, 1901—1903, by Captain S. P. James, I.M.S.
7. Some observations on the poison of the banded karait (*Bungarus fasciatus*), by Captain G. Lamb, I.M.S.
8. A preliminary report on a parasite found in persons suffering from enlargement of the spleen in India, by Lieutenant S. R. Christophers, I.M.S.
9. Second report of the anti-malarial operations at Mian Mir, 1901—1903, by Lieutenant S. R. Christophers, I.M.S.
10. Specificity of anti-venomous sera (second communication), by Captain G. Lamb, I.M.S.
11. On a parasite found in persons suffering from enlargement of the spleen in India (second report), by Lieutenant S. R. Christophers, I.M.S.
12. On the morphology, teratology and diclinism of the flowers of *cannabis*, by Major D. Prain, I.M.S.
13. Oriental or Delhi sore, by Captain S. P. James, I.M.S.

(a) Bengal letter no. 1636 T. M., d. July 19, 1905.

(b) H. D. letter no. 1066, d. July 17, 1901.

14. On a parasite found in the white corpuscles of the blood of dogs, by Captain S. P. James, I.M.S.
15. On a parasite found in persons suffering from enlargement of the spleen in India (third report), by Lieutenant S. R. Christophers, I.M.S.
16. The specificity of anti-venomous sera with special reference to a serum prepared with the venom of *Daboia Russellii*, by Captain G. Lamb, I.M.S.
17. Snake-venoms in relation to hæmolysis, by Captain G. Lamb, I.M.S.
18. *Hæmogregarina Gerbilli*, by Lieutenant S. R. Christophers, M.B., I.M.S.
19. On kala azar, malaria and malarial cachexia, by Captain S. P. James, I.M.S.

It subsequently became evident to the Government of India that the orders regarding publication were neither sufficiently definite nor thoroughly understood. They accordingly laid it down as a general rule that when a medical officer who is engaged in research conducted at a Government laboratory or undertaken by Government direction desires to publish a paper connected therewith, he should submit it to the Sanitary Commissioner who should decide whether it should be published by Government in the scientific memoirs or otherwise, and if not, whether the officer should be allowed to publish it himself.^a This rule is not intended to fetter in any way the publication by medical officers of the results of independent research and observation or of private study. Still less is it intended to prevent them from taking part in the discussion upon a paper read at a meeting of a scientific society. In such cases the only limitation imposed is the ordinary duty which devolves upon all Government officers of abstaining from anything which might embarrass Government.

(a) *H. D. letter no. 1100, d. Sep. 14, 1903 (334).*

CHAPTER X.

PLAGUE.

1. *Extent and course.*—Up to the end of 1898 the only parts of India seriously affected by plague had been the Bombay presidency, and the states of Mysore and Hyderabad. There had been a moderate epidemic in the Punjab and a slight one in the United Provinces. Towards the end of the year the infection had crossed the border into Madras. In Calcutta also a few deaths had occurred during the summer months. The next two years did not witness any great increase in the total mortality, though new areas were attacked in Bengal and the Central Provinces. In 1900 a great improvement occurred in the Bombay presidency where the total mortality fell from 114,573 to 36,068: but there was a sharp outbreak in March in Calcutta and in the mufassal portions of Bengal, notably the districts of Patna, Saran, Gaya and Monghyr. The Mysore state also suffered severely. Since January 1901 the ravages of the disease have been consistently increasing. In the Bombay presidency the mortality in 1901 rose to 152,138: in the mufassal parts of Bengal, especially the districts of Patna, Saran, Gaya, Darbhanga, Shahabad, Muzaffarpur, and Hazaribagh, the epidemic was very severe. A sharp outbreak occurred also in the Punjab (particularly in the districts of Sialkot, Gurdaspur, Jullundur and Hoshiarpur) whence the disease spread also to Kashmir where only two deaths had occurred previously at the beginning of 1900. In the Madras presidency the mortality rose to 2,955. In the United Provinces also the infection reappeared and caused 8,881 deaths. The total mortality throughout the year exceeded a quarter of a million.

High as these figures were, they were far surpassed in the course of the next three years. In 1902 the mortality in the Punjab alone rose to 221,767. The districts of Sialkot, Ludhiana, Gurdaspur, Hoshiarpur, Gujranwala, Amritsar, and Jullundur and the state of Patiala were the areas which suffered most severely. In the Bombay presidency the number of reported deaths, 211,463, was almost equally high. The epidemic was severe also in the United Provinces, where 41,494 deaths were recorded. The great majority of the deaths occurred in the districts of Allahabad, Ballia, Mirzapur and Cawnpore. The Mysore state, the Madras presidency and the Hyderabad and Kashmir states also showed considerable increases. Berar was newly infected in March and Central India became reinfected in October. The death-roll for the whole year was 577,427.

During the next year (1903) the mortality from plague continued to increase in Bombay and the United Provinces: in the former over three lakhs of people died, and in the latter three-quarters of a lakh. The Punjab also was as badly infected as before though the actual deaths were slightly less numerous. Bengal (including Calcutta), where the number of deaths had fallen to 32,415 during the year 1902, again suffered from a severe epidemic. The infection penetrated during the year into the North-West Frontier Province, Coorg and Dibrugarh town in Assam, but fortunately failed to establish itself firmly. Assam became free during the heat of July, and in the other two provinces the disease was almost extinct towards the close of the year. The Central Provinces, which on the whole had hitherto been more fortunate than the rest of British India, suffered from a sharp epidemic. The number of deaths during the year was 41,201, of which the great majority occurred in the districts of Nagpur, Jubbulpore, Nimar and Hoshangabad. Central India and the Hyderabad state suffered from epidemics only less severe; and in Rajputana also the disease continued to make way. The recorded mortality during 1903 came to 851,283.

At the beginning of 1904 the only parts of India uninfected were the outlying provinces—Burma, Assam, the Frontier Province and Baluchistan, Bombay, Bengal, the United Provinces, the Punjab, the Central Provinces, Central India and Hyderabad were all badly infected; and in the first two months of the year the mortality exceeded two lakhs. In March the number of deaths rose to 169,715. This was the highest figure which had been recorded for any one month: the largest monthly death-roll hitherto returned having been that of March 1903 (136,596). In April 1904 the approach of the hot weather was accompanied by a diminished mortality throughout the rest of India, but in the Punjab and Kashmir, where seasonal conditions were slower in making their effect felt, the ravages of plague continued unchecked, and owing to the heavy death-rate in the former province, the total mortality for the month (193,518) was unhappily again higher than any which had preceded it. An improvement, in which all provinces shared, occurred in May and the figures continued to fall until August when the mortality again began to increase. The autumn epidemic of 1904 was worst in Bombay, the United Provinces, the Punjab and Bengal. The total mortality from plague recorded during the year came to 1,022,299.

The record of the year 1905 has up to date surpassed those of its predecessors; the death-roll registered in each month being higher than in the corresponding month of any earlier year. The mortality in January was 126,526, in February 126,041, in March 215,554, in April 235,164, in May 152,226 and in June 28,082. In the United Provinces the outbreak was very severe, particularly in Muttra, Agra and Ghazipur and Ballia. In the Punjab the epidemic reached its height in April when 112,738 deaths were recorded. Bengal has also suffered severely. Burma became infected in February for the first time, but the disease did not spread very seriously. The south of India, however, has escaped more lightly than in 1904. The total recorded mortality from plague in India, from October 1896 to June 1905, exceeds four millions.

2. *Temper of the people.*—It has consistently been the aim of Government to carry the people with them in the attempt to fight the plague. But in the earlier years of the epidemic, ignorance both of the disease and of the nature of preventive measures led to credence being placed in the wildest rumours as to the objects of the latter: and in effecting even the simpler measures of disinfection and evacuation, Government officers frequently found themselves confronted by ignorant and obstinate resistance. All possible care was taken to respect religious and social usages, and to enlist the aid of caste representatives: but in a few cases it unfortunately happened that the tactlessness of individual officers or the intrigues of agitators kindled resistance into violent opposition. Riots similar to those which occurred during Lord Elgin's administration at Bombay, Garshankar and Seringapatam took place during the years 1900-01 at Cawnpore, in the Patna, Sialkot and Gurdaspur districts, and in the Patiala state. At Cawnpore on the occurrence of a few cases of plague in April 1900 a mob attacked the plague camp and murdered five policemen and a chuprasi on duty there. The troops and volunteers were called out and the latter had to fire before the crowd dispersed. The Lieutenant-Governor arrived in person and was successful in allaying the excitement by explanations of the plague rules. The ringleaders were afterwards arrested and brought to justice, and punitive police were quartered on the town.^a At Chakbaria in the Patna district a mob armed with swords and *lathis* assaulted a police inspector and threatened the joint magistrate and the district and the assistant superintendent; but the police cleared the village without firing and were able to make

(a) U. P. resn. no. 735, d. May 15, 1900.

several arrests.^a At a village in the Gurdaspur district in April 1901 a European officer was assaulted : and shortly afterwards a more serious outbreak occurred in the Sialkot district, where a native naib-tahsildar whose behaviour was resented by the people and a hospital assistant were killed. Two squadrons of cavalry were called out, but order was restored without their being employed.^b At Patiala also in February 1902 a riot occurred in which Major Hendley, I.M.S., was severely injured.^c Since that time there has been no violent opposition to plague measures.

As is indicated below (para. 4) the view which guided plague administration in its earlier stages, *viz.*—that stringent measures were not only feasible but essential to prevent further spread of the disease, has in practice been materially modified. The object now sought is to persuade and to explain rather than to enforce : and to provide the means of safety and to leave their adoption to the influence of the more enlightened among the people. Apart from this change of policy, mere familiarity with plague measures and practical experience of the appalling consequences of the disease on the one hand and of the chances of safety offered by precautions on the other have gradually induced a different attitude of mind from that formerly prevailing. The people are often apathetic and inert but they are seldom now actively resistant. On this change of attitude were based the success of disinfection in Allahabad in 1901, and the scheme put forward by the Punjab Government in 1902 for the inoculation of several millions of persons. The time is apparently still distant when public opinion throughout the country will be sufficiently alert and effective to enable Government to divest itself of the initiative in plague prevention : but in so far as suspicion born of ignorance has been allayed and a certain readiness to adopt the means offered by Government has taken its place, a substantial advance has been made.

3. *Extra staff.*—Prolonged, widespread and recurring epidemics of plague imposed burdens which the ordinary medical staff could not be expected to discharge unaided, and to reinforce them medical practitioners from England have from time to time been engaged for temporary plague duty. In June 1899 the Secretary of State, who found difficulty in obtaining suitable candidates, suggested that every endeavour should be made to retain the services of those practitioners who were then on duty in India at an increased salary, and it was decided to offer pay at the rate of Rs. 800 to candidates who held a diploma in public health or a certificate in bacteriology, or who had acted as medical officer of health or already served on plague duty to the satisfaction of Government.^d

In September 1899 Lord George Hamilton drew attention to the importance of inquiring into complaints made by the doctors and nurses who had been sent to India on plague duty. In reply His Lordship was informed that due consideration had always been shown to the doctors and nurses from England, and that in granting conveyance allowances to nurses the Government of India had instructed local Governments to treat their cases with liberality.^e

In 1901 the Government of India delegated the power of re-engaging doctors for temporary plague duty to the Bombay Government. The special engagement of thirty-seven English doctors for the Punjab inoculation scheme is noticed below (para. 6). In 1902 it was decided to grant privilege leave to doctors and nurses engaged in England for temporary plague duty. As a further relief to the

(a) Bengal letter no. 2036-Medl-P, d. July 26, 1900.
(b) { Punjab letter no. 616-L. P., d. May 10, 1901.
Punjab letter no. 10-S. P., d. May 21, 1901.
Punjab letter no. 186-S. P., d. June 12, 1901.

(c) Punjab letter no. 860-S, d. July 11, 1903.
(d) Des. no. 126, d. June 8, 1899.
(e) { Desp. no. 182, d. Sep. 7, 1899.
H. D. desp. no. 4, d. Jan. 25, 1900.

medical services, the Government of India in 1900 sanctioned the temporary appointment in this country of private medical practitioners with ordinary English qualifications on Rs. 500, and of those with a qualification in public health on Rs. 600 per mensem.

Until 1901 staff corps officers were commonly employed on plague duty and rendered valuable assistance to the district staffs, especially in the Bombay presidency and in the United Provinces. In July 1901 the Secretary of State took exception to the practice of allowing officers of native regiments to be detached to an unlimited extent for plague or other temporary civil duty, and the Government of India accordingly asked the Governments of Bombay and the United Provinces to arrange for the return to military duty of as many of such officers as could be spared. Eventually it was decided to employ no more staff corps officers on plague duty. In November 1902 an exception was made in the case of Bangalore where six staff corps officers were lent for plague duty, as the measures were mainly designed for the protection of troops and the officers could be spared locally and were needed only for a short time.

4. *Indian Plague Commission.*—The Commission appointed by Lord Elgin's Government in November 1898 to inquire into the origin, transmission and treatment of plague, concluded their investigations in July 1901. A complete copy of their report was not received until September 1901, but to avoid delay the Commission from time to time furnished the Government of India with their conclusions on specific points, thereby enabling orders upon these to be issued in advance. Thus at a very early stage of the inquiry the Commission communicated some useful criticisms upon the manufacture of the prophylactic fluid invented by Mr. Haffkine, the practice of disinfection, and the treatment of moribund patients. The first regular instalment of their report, however, relating to Mr. Haffkine's system of inoculation, was received at the beginning of January 1900. It will be convenient to reserve this for further mention below in connection with the general question of inoculation (para. 6). The most important section, that dealing with the suppression of plague, reached India in the early part of 1900, and was fully reviewed by Lord Curzon's Government in a resolution of July 1900 which marked an entirely new departure in the practical treatment of the disease^a. The first question dealt with concerned the measures to be taken for the effective discovery of plague cases. Adopting the Commission's conclusions on nearly all points, the Government of India discouraged compulsory inoculation, restricted the employment of house-search parties to certain well-defined conditions, and approved of the surveillance of persons from infected areas, especially by local agency. They discouraged the grant of rewards and forbade the employment of paid informers. On the other hand, they agreed that volunteer agencies for the detection of cases should be stimulated and encouraged. The establishment of a special reporting agency in suspected tracts, though an elaborate and expensive measure, was also commended in view of the success which had attended its adoption in the United Provinces. Existing methods of mortality registration were pronounced too defective to be generally of great use: but in large towns inquiries into the cause of deaths were recommended. Upon the question of the inspection of corpses the Commission were divided in opinion: but the Government of India accepting the view of the non-scientific members directed that the practice should no longer be resorted to. The Commission next considered

(a) { Plague Commn. report, Chap. VI.
 { *H. D. Resn. nos. 1789-1804, d. July 16, 1900.* (335.)

the measures to be taken to check plague during an outbreak. Upon their recommendation the Government of India authorised the compulsory removal of patients to hospital only on conditions which made the measure an effective precaution and in the case of persons without friends or home. Every means should, however, be employed to induce patients to resort voluntarily to hospital. The removal of moribund sufferers was strictly forbidden. The segregation of persons who had been exposed to infection was approved under strictly limited conditions. The evacuation of infected villages and small towns was approved and the principles on which it should proceed were formulated. The question of disinfection is discussed in para. 5 below. To guard against the spread of plague by sea to other countries the Commission proposed to apply the rules which were already in force at large ports to all places whence ships sail for ports beyond India. Finding no evidence that ship-borne rats had ever carried plague beyond the seas, they deprecated the fumigation of the holds of ships as unnecessary and impracticable. They approved the precautions taken in respect of pilgrims; and prescribed the measures to be taken when an infected ship arrived in port. Coming to the precautions adopted on railways, the Commission proposed, and the Government of India directed, a large reduction in the number of examining stations. Disinfection of the personal baggage of travellers was condemned as harassing and laborious, and the Government of India decided to stop the practice. The form of land quarantine which resulted from the detention of travellers by road was also condemned save in the case of pilgrims. The use of cordons to prevent people from passing from an infected to an uninfected area was also forbidden. The stoppage of booking at railway stations, however, was approved as an expedient of value particularly on the occasion of religious gatherings which were likely to be attended by persons from plague-stricken tracts. Summing up their conclusions the Commission declared that in large centres of population the only measures applicable were disinfection, inoculation, the evacuation of specially infected quarters and (so long as infection had not spread) the isolation of the sick. In the case of villages they approved the employment of disinfection and inoculation only in so far as the staff and appliances were thoroughly efficient. Failing this condition they preferred to rely mainly on evacuation. The Government of India agreed with the President that to the latter measure should be added the opening up of houses to permit of disinfection through the natural agencies of sun and air. In commending these conclusions to the attention of local Governments, the Government of India referred with approval to the policy enunciated by Sir Antony MacDonnell, Lieutenant-Governor of the North-Western Provinces and Oudh, and associated themselves with him in deprecating the application of too rigid rules and in laying stress upon the importance of adapting local measures to local conditions and gauging accurately the circumstances and temper of the people.

The importance of these orders is the reason for thus reviewing them at length. By finally condemning those expedients which had been found most productive of hostility and by approving only non-coercive measures, they marked a new epoch in plague administration. Local Governments immediately revised their rules in accordance with the Government of India's wishes: and during the period which has since elapsed it is safe to affirm that the policy which the orders of July 1900 first formulated has in practice been taken even farther, and that the plague administration of the present time is carried out with the least possible disregard of public opinion and convenience and the

utmost co-operation with non-official enterprise and efforts so far as these are anywhere forthcoming.

5. *Disinfection*.—Prior to the consideration of the question of disinfection by the Plague Commission the Government of India circulated to local Governments for guidance model rules drawn up by their Sanitary Commissioner^a: but the Commission's inquiries were of great value in detecting and correcting defects in actual practice. They advocated the chemical disinfection of infected houses, but criticised the agency hitherto employed. The President, however, personally preferred to rely largely on disinfection by light and air. The Commission recommended the use of a solution of 1 in 1,000 of perchloride of mercury, but suggested that further experiments might be instituted to determine the cheapest and most effective disinfectant. Vessels of standard size should, they considered, be employed, and walls and floors should be carefully brushed and not merely sprinkled with the fluid. They referred to the importance of avoiding destructive methods of disinfection in dealing with personal effects; doubted whether steam-sterilisers were suited for general adoption in India; and advocated reliance on disinfection by exposure to the sun in the case of valuable fabrics and grain-stocks. With small modifications the Governor General in Council adopted these proposals. Local Governments were asked to consider the possibility of providing trained disinfecting gangs, and to initiate experiments regarding particular strengths of disinfectant.^b Such experiments have since been conducted in the laboratories at Agra, Calcutta and Parel: they resulted in the acquisition of much miscellaneous information, but cannot be said to have affected the conclusions which the Commission reached. The practical difficulty of ascertaining by subsequent inspection whether a house had been carefully disinfected was successfully surmounted in the Punjab. It was found that the mixture with the disinfecting solution of a common green aniline dye not only enhanced its antiseptic powers, but had the effect of temporarily staining the surface to which it was applied, thus enabling an officer within three or four days afterwards to judge whether the disinfection had been sufficient. No objection was taken by the people to the use of the dye and the Government of India thought it useful to inform other local Governments of its employment.^c The efficacy of formalin also as a disinfectant has been investigated in the Parel laboratory. Experiment showed that disinfection by this gas was not suited for general use in India where houses cannot generally be made air-tight and that, generally speaking, it was a less effective, less expeditious or more costly agent than the perchloride solution. But for the disinfection with formaldehyde of the shoes of crews of vessels, an apparatus has been devised in Bombay which has worked successfully and has been commended to the notice of other Governments. During the outbreak of plague in Jammu in March 1902 the population were opposed to chemical disinfection, and a desiccating apparatus, burning coal or cowdung fuel, was employed with, it is claimed, highly successful results. Similar desiccators have since been tried elsewhere but, on the whole, inconclusively. As an ingenious attempt to accommodate preventive measures to unenlightened opinion may be quoted the proposal made by a Bombay deputy collector to represent to the villagers that the treatment of their houses with an apparatus of this kind was an act of worship of the plague demon.

The attitude adopted by the Government of India on the question of method can be best illustrated by reference to the correspondence with the Gov-

(a) H. D. letter nos. 2115—2124, d. July 4, 1899.

(b) H. D. resn. nos. 1789—1804, d. July 16, 1900.

(c) H. D. letter nos. 558—565, d. Mar. 13, 1902.

ernment of Bengal in 1904-05. In November 1904 that Government published a resolution which stated that as chemical disinfection by perchloride of mercury had not proved entirely successful and was viewed with suspicion by the people it was advisable to substitute for it, where necessary, other methods which the people could use for themselves such as desiccation by the burning of cowdung fuel or by special apparatus. Phenyle was also stated to be as efficacious as, and more acceptable than, the mercury solution for the purposes of chemical disinfection. Lord Curzon's Government observed that they accepted the general experience that the perchloride of mercury solution was the best disinfectant for general purposes alike on grounds of cheapness, effectiveness and simplicity, and that it was preferable to phenyle as the latter was a mixture of variable composition and consequently of uncertain operation. No attempts at disinfection by heat—whether with a naked gas flame, or Dr. Sawhney's desiccator, or the hydro-carbon flame, or the kiln method—had generally been as successful as the proper application of the perchloride solution. To encourage the use of measures of doubtful utility might discredit better measures: the co-operation of the people must no doubt be secured and for this reason the Government of India would not discountenance the adoption of alternative methods where circumstances clearly demanded them; but they hoped that every reasonable effort would be made before the better method was discarded.^a In 1902 the Madras Government represented that disinfecting arrangements in the rural tracts of Mysore bordering with that presidency were inefficient; and at the instance of the Government of India the Durbar, who had hitherto followed their Sanitary Commissioner in distrusting the effect of the disinfecting solution upon mud walls and floors, agreed to employ chemical disinfection wherever possible.

6. *Inoculation*.—Chapter IV of the Plague Commission's report contains their conclusions regarding the efficacy of the system of inoculation with a prophylactic fluid which had been devised by Mr. Haffkine in 1897. They found that inoculation sensibly diminished both the incidence of attacks and the death-rate among those attacked, though it did not confer absolute protection. The protection afforded was, they declared, not great immediately after the inoculation, but the period of protection lasted for several weeks. They drew attention to the importance of standardizing and reducing the dose; they suggested that re-sterilization after sealing would give additional security; and they added certain practical directions of importance regarding the employment of trained operators only, the sterilization of instruments, and rejection of half-used bottles, which the Government of India, endorsing their conclusions generally, commended to the careful attention of local Governments. In reviewing the chapter the Government of India added their acknowledgments of the valuable services which Mr. Haffkine had rendered to India by his discovery^b.

As was natural the practice of inoculation first gained some ground in the Bombay presidency and gradually extended in a smaller degree to other provinces. No attempt has been made to force it upon the people and their readiness to accept it has varied very greatly in different localities, depending not a little upon their confidence in the administrative officers. In Poona 35,000 inoculations were performed in 1899-1900: and in the Gaya district of Bengal 22,475 persons were inoculated up to April 1903. In the United Provinces the measure was less popular and 8,500 persons only had been inoculated, mainly in Cawnpore, up to March 1903. In the Punjab, on the other hand, nearly

(a) H. D. letter no. 405, d. Mar. 14, 1905.

(b) { Plague Commn. report, Chap. IV.

{ H. D. resn. nos. 462-477, d. Feb. 22, 1900. (336)

300,000 persons submitted to the operation in 1899-1900. But fragmentary as the evidence is, it seems possible that the measure might gradually have found acceptance in infected areas, had not progress been seriously retarded by events which occurred in 1902.

In the middle of that year the Government of the Punjab, impressed by the severity of the epidemic of plague which had attacked the province in the preceding spring, and apprehending that unless special efforts were made to resist it the disease might extend over the whole of northern India, laid before the Government of India proposals for affording the protection of inoculation to a large proportion of the people. Finding that the extent of the previous epidemic had practically placed other measures of protection beyond his resources and encouraged by the growing popularity of inoculation, the Lieutenant-Governor proposed to cause as many as possible of the population of thirteen districts to be treated with the prophylactic fluid. It was estimated that it would be possible during the cold weather to inoculate some six and a half millions of people. Operations of such magnitude would necessitate not only the deputation of a special staff of medical officers, commissioned and subordinate, from sources of supply in this country, but also the entertainment, on liberal terms, of thirty-seven additional medical practitioners from England. The scheme was to cost something over seven lakhs of rupees, and, as this amount was beyond the capacity of provincial revenues to bear, a special grant of nearly five and a half lakhs was asked for from imperial funds. After careful examination, the Government of India decided to sanction the proposals. While they recognised that the project contained many elements of uncertainty, they considered that all the probabilities pointed to a wide recrudescence of plague, which might possibly be kept within bounds by extensive inoculation, the only precautionary measure which the people could be induced to accept readily in large numbers. The experience of the cold weather of 1901-02 compelled them, they thought, to adopt any measure that offered a reasonable chance of prevention, rather than by a policy of inaction, to face the risk of allowing the disease to spread unchecked through northern India. Accepting the proposals in their entirety they induced the Secretary of State to engage and send out the medical practitioners required from England.*

Before framing its proposals the Punjab Government was led to believe that the Parel laboratory—the only place of manufacture of the fluid—would be capable with temporary assistance of producing the amount required which was estimated at seventy thousand doses a day. Owing to unforeseen causes, however, delay ensued in furnishing the laboratory with the staff required and towards the end of July the Director was informed that the beginning of operations would be deferred until October 1, 1902. But before this information reached him, Mr. Haffkine, who apprehended that he might be unable to meet the demands made upon him in time, determined to accelerate the production of the prophylactic by certain changes of process. He did so on his own responsibility and without reporting his action. But vague and informal intimation of the change reached the Punjab Government shortly before inoculation began. It was known that the prophylactic was being concentrated and the dosage reduced: but it was not known that any radical change had been effected in its character. Nevertheless in view of the magnitude of the interests at stake, and of the possibility that the mere fact of a reduced dose might prejudice the scheme, an officer of the Punjab Government was sent to Parel to ascertain precisely what was being done. On receiving his report the Lieutenant-Governor decided to allow inoculation to

(a) { Punjab letter no. 567-S. P., d. June 30, 1902. (337)
H. D. tel. no. 1743, d. July 19, 1902.

proceed 'solely on the responsibility of Mr. Haffkine as to the efficacy and harmlessness of the new fluid.' Inoculation accordingly began on October 1, 1902. Before the end of the month reports reached the local Government which indicated that the prophylactic fluid in use was yielding unsatisfactory results. On the information before him on October 30, the Lieutenant-Governor, considering that the risk of serious accident through the employment of contaminated fluid was too grave to incur, ordered the immediate cessation of all inoculation throughout the province. Unhappily these orders were not in time to prevent a deplorable disaster. On November 6, nineteen persons who had been inoculated on October 30 in the village of Malkowal from a single bottle of the plague prophylactic were found to be suffering from tetanus, and all of them subsequently died.

A catastrophe of this character not only prejudiced the Punjab Government's project at the very outset, but endangered the reputation of inoculation throughout India and threatened the credit of the authorities who had encouraged recourse to it. The Government of India accordingly determined that the facts should be investigated and the responsibility determined by the most competent officers whose services they could command. They appointed a committee of investigation consisting of the Chief Justice of the High Court, Bombay, the Principal of the Calcutta Medical College, and the Director of the Pasteur Institute of India: and remitted to them certain definite issues on each of which their verdict was requested. The final report of the committee was delayed by the fact that it became necessary for them to consider the results of further experiments and the contents of certain papers which were not originally before them. They found that the Malkowal disaster was the result of a contamination of the prophylactic fluid which probably occurred in the laboratory during manufacture: that the staff employed in the manufacturing process was untrained and incompetent: that the new fluid was probably as efficacious as the old and in its essential constituents not more liable to contamination: but that the final process of sterilization was open to objection and that the omission of the small percentage of carbolic acid previously added was also a grave mistake. In other words the committee declared that the prophylactic fluid, in the new form in which Mr. Haffkine was issuing it, involved elements of danger of the gravest magnitude. The change made by the Director was, they considered, one which should have been reported to Government for approval. In mitigation of their verdict the committee referred at length to various considerations which might be urged in extenuation of the Director's action. The Government of India, with fuller sources of information open to them, were unable to admit these in their entirety: though on the main points they accepted the committee's conclusions. Recollection of his past services prompted them to deal leniently with Mr. Haffkine, at the same time as they condemned his recklessness and administrative incapacity. They proposed to divest him of all administrative powers while leaving his emoluments unchanged.^a The Secretary of State, before whom their conclusions were laid, recurred to the difficulties which in his opinion had beset Mr. Haffkine and desired to be further informed of the effect of 'these proposals.'^b Meanwhile facts had come to light which further demonstrated Mr. Haffkine's unfitness for the administrative charge of a laboratory: and after stating them at length the Government of India renewed their recommendation that he should not be appointed to the new central institute of research for the charge of which he had been originally designated.^c The

(a) *H. D. desp. no. 8, d. June 18, 1903.* (338)

(b) *Desp. no. 123, d. Aug. 14, 1903.* (339)

(c) *H. D. desp. no. 18, d. Nov. 12, 1903.* (340)

Secretary of State accepted this recommendation, which has been carried into effect in connection with the institution of the new laboratory* (Chap. IX, para. 11). It need only be added that subsequent investigations conducted by the Lister Institute entirely confirmed the findings of Sir Lawrence Jenkins' Commission.^b

Experiments have since been conducted with an improved decanting apparatus invented by Dr. Maynard, which will, it is claimed, obviate the possibility of contamination such as previously occurred; the result of prolonged trials has been to substantiate the inventor's claim, and the Government of India have resolved to adopt the apparatus which is believed to be in advance of anything of the kind in use elsewhere. The apparatus has been patented in England, America, and many countries of Europe. At the Health Exhibition organized in connection with the Industrial and Agricultural Exhibition held in Bombay in December 1904 a series of demonstrations was given by Lieutenant-Colonel Bannerman, who had succeeded Mr. Haffkine as Director of the Parel laboratory and had since devoted himself with some success to the problems of standardizing and improving the prophylactic, of the method by which the fluid used for inoculation against plague was being manufactured. The object was to enable the public to ascertain by personal observation and by inquiry from the experts in charge of the manufacture, the precise nature of the precautions which are now taken to guard against the contamination of the fluid by disease-bearing germs. The Director was instructed to give full explanations of the process to any one interested.^c Some time before this demonstration was given the Government of India decided that only the standard fluid should be manufactured for issue.^d This fluid is sterilized by methods approved by the Indian Plague Commission and contains the requisite proportion of carbolic acid: it is now bottled by the new method above described which is believed to render it impossible for any germ to enter from outside. The results of this attempt to reassure public opinion can only be gradually known; but it is hoped that it will have the effect of restoring inoculation in the public credit and of thus enabling the Government to re-employ an instrument of protection against the plague which promised good results.

7. *Serum treatment*.—Although no prophylactic other than that produced by Mr. Haffkine has been generally used in India, experiments have been made with curative sera invented by other scientists. In 1900 the Secretary of State sent out for trial in Bombay specimens of sera prepared by Professor Terni of Messina, which appeared to have proved of great value in Rio Janeiro: but no conclusive results could be obtained from the small quantity available. In 1898-99 Professor Lustig of Florence visited Bombay and made experiments with his serum. The Plague Commission who inquired into its effects reported that inoculation with the serum certainly had the effect of decreasing mortality, and advised further study under certain conditions and in certain definite directions. This inquiry was entrusted to the Parel laboratory, but the report was not received till 1904. It was inconclusive as regards results and only showed that the serum as then produced was far too expensive for general use. But the inquiry was not further pursued as it is understood that investigators in Europe are approaching the question of the production of a curative serum on new lines. Meanwhile the results of the serum treatment of plague in India have been collected and a memoir on the subject is in the press.

8. *Etiology*.—The etiology of plague was investigated by the Plague Commission of 1899 whose conclusions, based on the incomplete evidence then available, are stated at length in chap. III of their report. The disease supposed to

(a) Tel. d. Jan. 1, 1904. (341.)
(b) I. O. letter no. 2811, d. Nov. 25, 1904.

(c) Press communiqué, d. Dec. 13, 1904.
(d) H. D. letter no. 915, d. July 4, 1904.

be endemic in Kumaon and known locally as *mahamari* was investigated in 1899 at the instance of the Commission by two officers specially deputed. In 1901 *mahamari* reappeared in the Garhwal hills and Major Chaytor-White, Deputy Sanitary Commissioner in the United Provinces, was sent to report upon it. He concluded that the bacillus of the disease was identical with that of plague; but his inquiries left it somewhat uncertain whether the outbreak was actually the result of infection from the plains or not.

In 1904, however, the conclusion was forced upon the Government of India by the fact that the ravages of plague continued to extend, in spite of the most unremitting efforts of the local officers and the provincial authorities, that it was time that help should be sought in a new direction. For a policy of compulsion a policy of persuasion had been substituted but the failure of the latter had been as complete as that of the former. It was impossible, however, for Government to contemplate unmoved the terrible results of the disease, which in the province most severely afflicted was threatening to interfere sensibly with recruitment for the army, the progress of colonization schemes and in fact all material progress. Meanwhile however little or nothing was known of the disease from the purely scientific aspect, and the measures taken had been those which general experience rather than particular knowledge had suggested. Adopting the proposals made to them by the Government of the Punjab in August 1904, the Government of India submitted a proposal to the Secretary of State for the prosecution of further scientific inquiry into the etiology of plague, and asked him to obtain for them the services of two or three of the best experts available for the purpose, whether English or foreign, with whom they intended to associate in the inquiry selected officers of the Indian Medical Service. They proposed to leave the investigators an entirely free hand, observing only that the ultimate end in view was the discovery of measures of prevention or cure of such a nature that they could be practically applied in India.^a On the recommendation of the Lister Institute and the Royal Society the Secretary of State after further reference to the Government of India constituted a small committee from these bodies, on which the India Office also was represented.^b It was arranged that the committee should administer and account for a grant of £5,000, renewable annually as required, for the purpose of the plague research party, which consists of two experts selected and paid by the committee and two junior Indian Medical Service officers placed at their disposal whose pay is in addition to the grant of £5,000. It has also been arranged that the report of the experts should be furnished to the committee and to the Government of India at the same time. The bacteriologists from England arrived in Bombay in May 1905 and the inquiry has begun at the Parel laboratory. One of the Indian Medical officers has joined the party and the services of the other officer will shortly be made available.

9. *Plague returns*.—Since the first outbreak of the plague in India local authorities have been required to report fully to the Government of India details of the number of seizures and deaths in local areas and the extension of the disease to new places. These reports were needed in the first instance for administrative reasons, and enabled the Government of India to control the measures taken for the suppression of plague in infected areas and for the defence of uninfected places. But they were also required for the purpose of keeping the Home Government and the representatives of foreign Powers regularly

(a) F. & C. desp. no. 303, d. Aug. 25, 1904. (312)

(b) Tel. d. Nov. 15, 1904. (343.)

informed as to the position. The various local Governments devised their own statistical forms and by degrees there thus grew up a confused and elaborate series of tabular statements, whose compilation involved a degree of labour out of all proportion to the value of the results obtained. Lord Curzon's Government have recently addressed themselves to the question of simplifying and reducing the returns and after obtaining the Secretary of State's concurrence have issued orders on the subject to local Governments. In the course of the inquiry they asked provincial Governments to inform them fully regarding the agencies by which plague figures are in the first instance reported, the channels through which they are collected and the initial forms used in their compilation." The information yielded by this inquiry will probably bear fruit in suggestions for the improvement of vital registration generally throughout India.

10. *Prevention by land*.—The prohibition of cordons and of the disinfection of the baggage of railway travellers has been noticed in para. 4 above. Generally speaking, no attempt is now made to prevent the transmission of plague through the medium of travellers by road. As a solitary exception to this policy, the Government of India approve of the spontaneous action of the inhabitants of villages in excluding persons arriving from infected areas during the period of danger. Such exclusion can ordinarily be enforced by the personal influence of village headmen and with trifling inconvenience to the public. At the instance of the Government of the Punjab, provision has even been made for the ejection of individuals coming from infected areas by order of the district magistrate on receipt of a *bonâ fide* petition from the residents affected. But, on the other hand, an attempt to stretch the system into the maintenance of regular guards round populous towns has been more than once condemned. Travellers by railway, however, are more easily observed and from the first days of plague in India endeavour has always been made to check the transmission of the disease by rail. This is done by establishing an inspecting station between an infected and an uninfected area where all passengers by trains passing from the former to the latter are medically examined, and those found or suspected to be suffering from plague are detained for treatment or observation. To assist the staff in detecting cases and to prevent travellers from eluding examination by rebooking at intermediate places, all tickets issued at stations in an infected area were formerly stamped with a distinctive punch mark. In some provinces the names and addresses of all travellers alighting with stamped tickets were sent to the local authorities in order to enable them to be observed at their homes during the period of danger. In some instances this system is believed to have had good results. The temporary immunity of the Central Provinces from plague was ascribed to the efficiency of the inspections at the station on the Bombay frontier. But the gradual penetration of the disease behind these inspection barriers, and experience of the inconvenience to travellers and the expense to Government have continuously resulted in a relaxation of the system. The orders of July 1900 upon the Plague Commission's proposals effected a reduction of the number of inspection stations and none are now maintained in the northern provinces save for the special protection of a few hill stations. The Governments of Bombay and Madras, however, have preferred to maintain inspections at a few places. In the latter presidency travellers from infected areas are still required to execute a bond engaging them to appear daily for observation for a ten-days' period and it is locally claimed that the practice has been of great value in resisting the incursion of the disease—a claim that appears to acquire additional force with each new year in which the mortality reported from Madras is smaller than

from other infected provinces. Native states also still rely largely for protection on the medical examination of railway passengers. Where the system still obtains, endeavour has been made to reduce the inconvenience both to the individual and to the railway management to a minimum. The punch-marking of tickets has also been recently abolished throughout the rest of India as an expedient of doubtful utility, the Governments of the two presidencies being left to maintain their own arrangements at discretion. The prohibition of railway booking from infected areas on the occasion of religious fairs or other similar gatherings is still regarded as a valuable precaution and is frequently resorted to. Such prohibitions are applied so far as possible only to the infected areas from which persons may be expected to proceed to the fair or assemblage.

11. *Merchandise and plague.*—The Plague Commission thought that there was small danger of the spread of plague through the medium of ordinary articles of merchandise, and advised that it was unnecessary to take any steps for its disinfection. The Government of India have always acted on this view, and have contented themselves with forbidding the import from infected localities of specially dangerous articles such as rags and soiled linen. These restrictions have from time to time been relaxed under suitable precautions in cases where their rigid enforcement would interfere with industry.

12. *Rats and plague.*—The Plague Commission concluded that in some places, though by no means in all, rats had been active agents in the dissemination of the disease : but they qualified this by observing that plague among rats had not invariably been followed by plague among men and that plague among men had sometimes been due to other causes than to infection by the agency of rats. In December 1901 the Government of India accordingly took up the question whether it was possible or expedient to adopt any organized system for the extermination of rats in an infected or threatened area.^a Inquiries from local Governments, however, showed the great difficulties in the way. Infection with a specific virus had been invariably ineffectual and no other method of destruction could be put in practice generally without the active and persistent co-operation of the people. This was not forthcoming even in large cities and under the stimulus of rewards. The number of rats that had been destroyed even in areas where special energy had been devoted to their destruction was quite insignificant. The conclusion was forced upon the Government of India that no measures of general application were practicable. It was reported from Madras in 1903 that a mixture of sulphuric acid and tar was found of great service in dispelling rats and the papers were circulated for the information of other Governments.^b

The danger of plague being carried over sea by rats in ships' holds is a question upon which opinion has differed widely. The Ottoman Sanitary Board enforces the destruction of rats in all ships arriving in Turkish ports, and the French authorities have also been in favour of stringent measures, but the Government of India have hitherto adhered to the opinion of the Plague Commission that such precautions are of no value. Nor did they think it necessary when the question was reopened in 1903 to take steps to prevent rats from coming ashore from ships in Indian ports, as all ports of foreign trade, except Rangoon, were already infected. In Calcutta, however, measures to this end were subsequently prescribed by the local Government.

The Paris Convention of 1903 has for the first time formally recognised the danger that rats may assist in the dissemination of the disease. Plague

(a) H. D. letter nos. 2331–2332, d. Dec. 17, 1901.

(b) H. D. letter nos. 963–971, d. May 30, 1903.

among rats is not, indeed, treated by the Convention as on the same footing as plague among human patients: nor is its existence applied as a criterion in the classification of ships, but the destruction of rats is prescribed on infected ships, recommended for suspected ships and left optional in the case of healthy ships, unless rat-plague is known or suspected to be present. On land rat-plague need be notified only in conjunction with plague among men. These provisions seemed at first sight to constitute a formidable addition to the responsibilities of Government in respect of rats, but after careful consideration the Government of India decided that they were not such as need deter them from accepting the Convention. They propose to explain to the Secretary of State that owing to caste and religious prejudices no effective methods of destroying rats can be instituted either in seaports or in the interior of India: but as importance was attached to the notification of plague among rats, the maritime local Governments were asked that when the extension of plague to any ports whence vessels sail for Europe was reported it might be stated whether any plague or unusual mortality among rats has been observed^a.

13. *Survey of the position, 1905.*—In the foregoing paragraphs have been reviewed the discussions which have from time to time been pursued regarding the principal measures taken against the plague in India, and it has been shown how no single one of them nor even all of them taken together have been successful in arresting or even in checking the progress of the disease. In 1905 a separate Sanitary Commissioner with the Government of India was appointed with the intention of giving a new impulse to sanitary effort throughout the country (chap. IX, para. 9) and a committee of scientific inquiry was instituted to examine more closely the scientific aspects of the problem of plague (para. 8 above). Simultaneously with these measures Lord Curzon's Government determined to collate and to sift thoroughly the results of past experience of the disease and of the practical measures which had been everywhere adopted since the publication of the Plague Commission's report. Accordingly in July 1905 they asked local Governments to cause accounts based as far as possible on personal experience to be prepared by selected officers, with special reference to (1) the conditions affecting the origin and spread of plague—including under this head such matters as the material and situation of dwellings, the habits and occupations of the classes specially attacked or specially immune, and the relation of disease among rats to disease among human beings, (2) the conditions determining the character of the measures to be adopted—including such matters as railway and road inspection, observation, segregation, evacuation, disinfection and measures against rats, (3) the degree of success attending the measures taken and the causes of relative success and failure.^b The voluminous evidence thus obtained has been carefully examined by the Sanitary Commissioner, and shortly before leaving India Lord Curzon directed that a Resolution should be prepared embodying the results of the inquiry. It is intended to review the scientific knowledge of plague at present available; to examine the practical experience of the past five years; and to expound in a practical form the methods approved by the Government of India—in short to provide an administrative programme of plague policy. Speaking generally the main points upon which a change of opinion is to be noted are the increased importance now attached to the agency of rate in disseminating the disease, and the comparative disrepute into which disinfection has fallen as a protective measure.

(a) H. D. letter nos 994—997, d. June 17, 1905. (344)

(b) H. D. letter nos. 1121—1135, d. July 6, 1905. (345)

14. *Prevention by sea.*—The precautions taken to prevent the transmission of plague by sea have hitherto rested ultimately upon the Venice Sanitary Convention of 1897, which regulated the measures to be taken by all the contracting countries in relation to one another. The procedure in force at the various Indian ports is, however, actually controlled by rules made by the local Governments under the Epidemic Diseases Act, 1897. In June 1900 Her late Majesty's Government, who were then considering the question of the possibility of instituting a uniform code of maritime rules for observance in all British colonies and dependencies, invited the Government of India to review the Indian rules in the light of the Plague Commission's proposals and to report upon the subject.^a The revision and collating of the various regulations in force was a work of time, but eventually a set of model rules for the treatment of vessels arriving from or departing for ports beyond India was drawn up and sent to local Governments for criticism.^b In all essentials these conformed to the directions of the Venice Convention; and on mere points of detail the procedure adopted in Bombay ports was generally preferred to that obtaining elsewhere. The opinions of provincial Governments have been received, but the issue of amended uniform rules has been deferred pending consideration of the conclusions of the recent international conference which assembled at Paris in October 1903, and which is discussed in the following paragraph.

India has unhappily little to fear from the transmission of plague from other countries and the main concern of her Government has been to ensure that infection has not been carried from her ports to other countries. Whatever criticisms may be directed against the comparative failure of the internal campaign against the disease this particular aspect of plague administration has been above reproach. For years the plague inspection staff in the large seaports, and particularly in Bombay, have been unremitting in the faithful acquittal of a monotonous and laborious duty: and the Government of India are justified in claiming that it is to their scrupulous discharge of their responsibilities that the countries of Europe largely owe the long immunity which they have enjoyed from infection.

15. *Venice and Paris conventions.*—The precautions taken to guard against the infection of other countries have hitherto followed the conclusions of the Venice Sanitary Convention of 1897. From the nature of the case it follows that the more important of these are concerned with the treatment of ships in infected Indian ports: and this question has been already noticed in para. 14 above. The obligation to report continuously to foreign Governments the occurrence of plague in India has also been faithfully observed. Weekly returns have been sent showing the extent of the epidemic throughout India, and telegraphic intimation has been given of the occurrence of plague in any port whence vessels sail beyond India. In September 1903 the Secretary of State informed the Government of India that a new international conference had been convened at Paris to revise and consolidate the conclusions of previous conventions and that he proposed to appoint Surgeon-Colonel Richardson as the Indian representative. The Government of India agreed to this officer's nomination and desired that their views on certain points might be communicated to him for guidance. The text of the new convention was received early in 1904. Its decisions on the main questions amounted to a distinct triumph of opinions for which this Government have contended. The reduction of the recognised incubation period of plague from ten to five days and the consequent reduction

(a) Desp. no. 110, d. June 28, 1900.

(b) H. D. letter nos. 212-215, d. Feb. 13, 1903. (346)

of the period of observation and surveillance from twelve to seven days in the case of infected and suspected ships, which are important gains in the interests of commerce, are in complete accord with the views which the Government of India have always held. The convention dealt with cholera and plague conjointly, but as the provisions relating to the former disease were incompatible in some respects with Indian conditions it is proposed that India should signify its adherence only so far as plague is concerned. The provisions relating to rats which in some respects make in the direction of greater stringency have been noticed in para. 12 above. The Government of India have explained the purport of the new convention to local Governments and they are now proceeding to revise both the draft uniform shipping rules for plague, and the rules for the treatment of pilgrim ships which are also affected by its decisions. It will be possible also to undertake the promulgation of rules for the prevention of other diseases uncommon in India, and when this is done a complete code of provisions for the defence of India against infection from foreign countries and for the defence of foreign countries against infection from India will have been devised.

16. *Pilgrimage to the Hejaz*.—The apprehensions of European nations that plague might be communicated to Europe by the medium of Indian pilgrims journeying to Arabia had resulted in the absolute suspension of the *haj* in 1897. In the following year the pilgrimage was reopened by Lord Elgin's Government, with the concurrence of the Secretary of State, to residents of India other than the Bombay presidency. This policy of permitting under certain restrictions the departure of pilgrims from uninfected parts of India was maintained by Lord Curzon's Government during the years 1899—1902, the areas to which pilgrimage was closed and the ports from which embarkation was permitted being annually notified. Thus for more than five years Muhammadans of the Bombay presidency were unable to proceed to Mecca and the embarkation of pilgrims from the port of Bombay remained for the same period forbidden. In 1902 at the instance of the Government of Bombay^a the Government of India reviewed the position anew. They held that the interference with the religious feelings of Muhammadans which the prohibitory orders entailed could not be justified save as a purely temporary measure; and they recognised that despite all explanations to the contrary, Muhammadans generally laid the responsibility for the disabilities imposed on them upon the British Government, an impression which the consular representatives of foreign powers did nothing to remove. Nor did the Government of India anticipate that the maintenance of the restrictions would lead to any compensatory concessions from the powers in deference to whose apprehensions they were devised. The attitude of the Turkish Government towards Indian pilgrims was discouraging; and Russia, another protesting power, actually supplied hundreds of the pilgrims who passed through India. Existing arrangements moreover were troublesome, expensive, and ineffectual: and on administrative equally with political grounds it was expedient to terminate them. The Government of India therefore strongly recommended that the pilgrim traffic to the Hejaz should be released from all abnormal disabilities. The Venice Convention forbade neither the departure of pilgrims from a plague-infected area nor their shipment from an infected port. The Government of India asked that they might avail themselves of this latitude. They undertook that, in accordance with the additional precautions taken in recent years, pilgrims should still be detained for observation in provincial camps near their homes and their personal effects there disinfected, and that they should then be

(a) Bombay letter no. 4033, d. July 22, 1902.

conveyed in special trains or carriages to the ports of embarkation and there segregated in a central camp for final examination and disinfection.^a His Majesty's Government accepted these representations and the pilgrimage of 1902-03 was accordingly thrown open to all parts of India. The ports of Bombay, Karachi and Chittagong were appointed for embarkation and central camps established there; and definite routes were notified by which pilgrims from the various provinces should reach them.^b Reports received at the close of the season showed that the orders requiring pilgrims to assemble in the first instance in a provincial camp had proved a dead letter. The large majority had evaded provincial camps and made their way directly to the camps at the ports of departure; nor did it appear possible without recourse to harsh measures to prevent such evasion. With the concurrence of the Secretary of State the Government of India determined to abolish provincial camps during the season of 1903-04, and to allow pilgrims to find their way unrestricted to the embarkation camps at Bombay and Chittagong.^c

The procedure adopted in the case of returning pilgrims was originally as follows:—When a returning pilgrim-ship left Jedda, the Consul telegraphed the number of pilgrims who would quit Bombay by the various lines of railway. On arrival in Bombay the pilgrims were disinfected and put on board special trains without entering the city. The fares of those who professed indigence were paid by Government and the names and destinations of all returning *hajis* were telegraphed to the district authorities to enable their health to be observed on arrival. This procedure was a survival from 1897 when not only was Bombay the only infected place in India, but the Hejaz itself was also infected. Physical conditions and commercial apprehensions combined made it impossible to land returning pilgrims elsewhere than at Bombay: and in spite of the expense which the measures entailed, it was therefore decided to adopt them, in order to avoid any risk that the pilgrims landing there would carry plague to other places. In 1900 the Bombay Government deprecated the continuance of these measures. So long as fares were paid many pilgrims averred that they were penniless, and the arrangement positively encouraged the indigent to venture on pilgrimage and checked the flow of private charity.^d Fully as they recognised the force of these objections the Government of India felt unable to abandon the precautions, which survived unchanged until 1903.^e It was then found that the expense of railway carriage was becoming unreasonably large, while the extension of plague in India largely detracted from the value of the precautions. Several local Governments moreover found it unnecessary to place the pilgrims under surveillance after their return. Accordingly the Government of India decided that returning pilgrims need no longer be disinfected and that their railway fares should be paid by Government only in the case of those from Baluchistan and beyond the frontier.^f

The difficulty of dealing with indigent pilgrims is, however, not confined to Bombay. Every year hundreds of pilgrims journey to Arabia without means sufficient for the incidental expenses of their stay in the holy places, or for the return journey: and at the close of each season many are stranded in Jedda without provision of any kind. The Government of India have, however, hitherto resisted the requests made to them that they would require pilgrims to purchase return tickets before quitting India. In order to save them from being

(a) *H. D. despatch no. 12, d. Aug. 28, 1902.* (347)

(b) { *H. D. notn. no. 2278, d. Oct. 25, 1902.*
H. D. letter nos. 2279—2293, d. Oct. 25, 1902.

(c) { *H. D. notn. no. 1485, d. Sep. 20, 1903.*
H. D. letter nos. 1490—1491, d. Sep. 20, 1903.

(d) *Bombay letter no. 52-M., d. May 8, 1900.* (348)

(e) *H. D. letter no. 1573, d. June 8, 1900.* (349)

(f) *H. D. tel. no. 313, d. Mar. 7, 1904.*

defrauded by extortionate charges for tickets sold in Jedda they have indeed caused pilgrims to be advised of the advantages of buying return tickets in India, or of depositing the price with the Vice-Consul on their arrival in the Hejaz; but these warnings have been of little or no avail. The chance that he may die on pilgrimage, or contrive to buy a return passage at lower than the standard rates, is to the pilgrim a conclusive reason for committing himself at the outset to only a single passage. But it has been held that to go further than this and to insist on return tickets being purchased in India would be to deny the poorer classes a chance of reaching Mecca: and Government has refused to be responsible for such interference with religious liberties. On the other hand, it is impossible for Government to accept any responsibility for the repatriation of poor *hajis* at the public charge, as to do so would speedily have the result of giving the annual pilgrimage the character of a tour at Government expense. It has hitherto been thought impossible therefore to do more than has been done already, that is to say, to provide that return tickets shall be available if asked for and to exhort pilgrims to take them. The difficulty is of old standing; it was re-considered by the Government of India in 1903 after examination of the method of working a system of return tickets in the Straits Settlements, and it was then decided to adhere to the previous resolutions.^a An alternative proposal made by the Government of Bombay to the effect that only pilgrims who could produce Rs. 50 over and above the cost of their tickets and food during the pilgrimage should be permitted to embark for the Hejaz was negatived for similar reasons.

At a later stage these conclusions were in some measure modified. The orders of 1902 did not immediately have the effect of largely increasing the exodus of Indian pilgrims, but in 1903-04 the number of those who went from India was very large. There was an appreciable risk that large bodies of pauper pilgrims returning from Arabia might remain to infect Bombay city. The Bombay Government were therefore asked to advise upon the proposal that in future years no person should be allowed to depart on pilgrimage who cannot first deposit the price of a return railway ticket from Bombay to his home. It was thought that this suggestion was not open to the same objections as those which had previously deterred Government from requiring the purchase of return tickets to the Hejaz. It would not in practice prevent any appreciable number of intending pilgrims from fulfilling their purpose, and it might prove of great value in obviating a congestion of pauper immigrants in the presidency town.^b The Government of Bombay accepted the proposal and it was accordingly adopted. The Governor in Council suggested, however, that it would be expedient to arrange for a reduction in the return railway fares payable by pilgrims. Lord Ampthill's Government referred this suggestion to the railway companies concerned and as it was unfavourably received they decided not to proceed with it. The question of insisting on the purchase of return steamer tickets was, however, revived by the Vice-Consul at Jedda in his report of 1904-05. He observed that other foreign Governments had adopted this plan and that no other course could obviate the yearly abandonment of a large crowd of Indian paupers in the Hejaz: he suggested therefore that the measure of compulsion involved in the decision to insist on return railway fares might be beneficially extended to the steamer fares. The Government of India though not unmindful of the objections previously taken have asked the Government of Bombay to advise them how the system of requiring the prepayment of return

(a) H. D. despatch no. 20, d. Dec. 10, 1903. (350)
 (b) H. D. letter no. 432, d. Mar. 17, 1904.

railway fares has worked in practice. Should the reply be favourable it is their intention to invite the opinions of Muhammadan *anjumans* throughout India upon the Vice-Consul's suggestion.

The goal of Shiah pilgrims is Kerbela ; and pilgrims from India ordinarily travel thither by the ports at the head of the Persian Gulf. On the first occurrence of plague in India the entry of Shiah pilgrims and the conveyance of Shiah corpses into Mesopotamia was forbidden. In March 1901 the interdict upon pilgrimage was removed subject to the condition that ships should carry only five pilgrims for every hundred tons register. Ten days' quarantine at Basrah was also imposed. In 1903 information was received that some steamers of the British India Company had violated the condition as to numbers, thereby prejudicing the maintenance of present arrangements and the prospects of future concessions. On political and commercial grounds alike, however, the Government of India were not disposed to use their statutory powers to compel compliance with the Turkish regulations, and they contented themselves with warning the shipping companies of the probable consequences of further breaches of the rule.

CHAPTER XI.

LEGISLATIVE.

The complete record of Lord Curzon's administration in the Legislative Department has been separately written. This chapter deals only with measures, completed or undertaken, which in their executive stages were the concern of the Home Department. It describes first the Imperial Acts and Regulations passed during Lord Curzon's term of office; secondly legislation initiated or projected; and lastly the more important enactments passed in the local legislative councils.

(a) ACTS PASSED.

1. *Presidency Small Cause Courts Act, 1899*.—The objects of this measure were to validate the appointment as officiating Chief Judge of presidency small cause courts of qualified persons not members of the court: and to enable the High Court to make rules authorising the hearing of undefended cases and interlocutory matters by the registrar or deputy registrar. The Act was passed on January 27, 1899.

2. *Government Buildings Act, 1899*.—This enactment was the outcome of the decision of Lord Elgin's Government to exempt Government buildings from the operation of municipal building laws. While exempting such buildings situated within a municipality from the provisions of the municipal law relating to erection, alteration and maintenance, the Act empowered the municipal authority with the consent of the local Government to inspect the building (save in the case of buildings connected with imperial defence or the like) and to criticise its construction, and required the local Government to consider any such criticisms. The bill became law on February 3, 1899.

3. *Indian Evidence Act, 1899*.—It was held by the Calcutta High Court in 1896 that the opinion of an expert as to the identity of finger-tip impressions was inadmissible in evidence. In consequence of the success attained in detecting previously convicted offenders by the system of finger impressions, the Government of India decided that it was right to admit expert evidence regarding their identity. The Act accordingly effected this change. Opportunity was also taken to make two other formal changes in the main Act of 1872.

4. *Indian Contract Act, 1899*.—As the outcome of a long discussion dating from the report of the Commission which considered the working of the Dekkhan Agriculturists Relief Act in 1892, the Government of India determined upon certain substantial changes in the law of contract. They had no desire to interfere with freedom of contract where consent is free and the parties are equal; but they wished to give the courts a wider discretion in dealing with certain inequitable contracts. With this object a bill was introduced by Lord Elgin's Government in March 1898, and after undergoing certain changes in Select Committee, it was passed in February 1899. The bill redefined the term 'undue influence' and gave the courts power to set aside contracts so induced either absolutely or upon fitting terms.

5. *Indian Petroleum Act, 1899*.—This was in the main a consolidating measure, but it effected also three changes of substance in the existing law. It provided for the control of certain illuminant or inflammable substances other than petroleum and its compounds: for the prescription of certain tests applicable to these: and for exemption from the restrictions as to possession and transport of petroleum possessed or transported in certain circumstances. The bill became law on February 17, 1899.

6. *Indian Arbitration Act, 1899*.—This measure was the outcome of representations received from various Chambers of Commerce of the effect that the

existing law upon the subject of arbitration was inadequate, the provisions of the Contract and Specific Relief Acts being of a negative character and those of the Civil Procedure being in some respects defective. To meet these defects a bill following the lines of the English Arbitration Act of 1889 and applicable in the first instance to the presidency towns and Rangoon only was introduced by Lord Elgin's Government. The measure was passed into law as Act IX of 1899 on March 3, 1899.

7. *Carriers Act, 1899*.—This carried into effect the decision arrived at by Lord Elgin's Government to reduce from two years to one the period of limitation of suits against carriers for compensation for loss or injury of goods and to require that notice of the loss or injury should be given within six months.

8. *Court-fees Amendment Act, 1899*.—This measure was introduced by Lord Elgin's Government with the object of providing a check on the under-valuation of estates by persons applying for probate or letters of administration by enabling the revenue authorities to intervene, and secondly, of amending the existing law relating to the realization of the duty payable on such applications. The bill became law on March 10, 1899.

9. *Marriages Validation (Pudukkottai and Travancore) Act, 1899*.—This was a short enactment passed with the object of validating certain marriages which had been irregularly solemnized or certified in the two native states mentioned in its short title.

10. *Indian Registration (Amendment) Act, 1899*.—This measure resulted from a suggestion made by the Madras Government in 1894 that power should be given to registering officers to require landed property to be described in a uniform manner. The Act empowered local Governments in certain cases to require by rule that houses and lands shall for registration purposes be described by reference to Government maps or surveys.

11. *Church of Scotland Kirk Sessions Act, 1899*.—At the instance of the Kirk Sessions of Bombay this Act was passed to declare all duly constituted kirk sessions of the Church of Scotland in India corporate bodies with full powers as trustees for all funds entrusted to them.

12. *Punjab Courts Act, 1899*.—Experience showed that the law of further appeal in the Punjab as it stood in 1899 was undesirably wide, especially as regards the facilities it afforded for protracted litigation in petty land suits. In the interests of litigants and of economy, the Government of India determined to curtail the facilities of appeal and to reduce the number of the Chief Court judges. They proposed to raise the money limit for each class of suit, and to distinguish between cases in which there are two concurrent decisions and those in which the lower decree is varied or reversed. Thus in small causes they proposed to allow a further appeal only when the value is of Rs. 1,000 or upwards in the case of two conflicting decisions and in no case when there are two concurrent decisions; in land suits, only when the value is of Rs. 250 or upwards in the case of two conflicting, and of Rs. 1,000 or upwards in the case of two concurrent, decisions; and in unclassified suits, only when the value is of Rs. 1,000 or upwards in the case of two conflicting decisions, and of Rs. 2,500 or upwards when they are concurrent. They decided also to abolish the system of certificate appeal on questions of law or custom of the province, and in its stead to extend the revisional power of the Chief Court.^a These proposals were embodied in a bill which became Act XXV of

(a) { H. D. desp. no. 13, d. Mar. 23, 1899.
Desp. no. 32-Jul, d. June 15, 1899.

1899. But the Secretary of State has recently raised the question of assimilating the law of appeal in the Punjab further to that in force in the rest of British India: and this matter has recently been referred to the local Government.

13. *Transfer of Property Act, 1900*.—The defective character of Chapter VIII of this Act, which deals with the highly technical question of the transfer of actionable claims, attracted the notice of Lord Elgin's Government. In March 1899 the Government of India decided after consulting local Governments that it was advisable to amend the chapter, and with this object a bill drawn by the Legal Member was introduced in July 1899 and passed in February of the following year.

14. *Prisoners Act, 1900*.—This measure owed its origin to a desire to do something towards the consolidation of some of the more extensively amended Indian enactments, instead of merely issuing reprints of them in which the amendments made up to date had been incorporated. With this object a bill was drafted in Lord Elgin's time consolidating the existing enactments relating to prisoners. After circulation to local Governments, who in some instances failed to appreciate the restricted scope of the bill and proposed changes of substance, the bill was approved by Lord Curzon's Government and proceeded with during the legislative session of 1899-1900. At an earlier stage it was proposed to insert in it the provision, subsequently adopted in the Repealing and Amending Act of 1903, which is referred to in Chap. V, para. 7 above: but this intention was afterwards abandoned in order strictly to preserve the formal character of the bill. The bill became law as the Prisoners Act, 1900 (III of 1900), on February 2, 1900.

15. *Whipping Act, 1900*.—After reference to local Governments the Government of India decided in February 1899 to amend the Whipping Act so as to enable the punishment of whipping to be extended (subject to the orders of the Government of India) to offences committed by juvenile offenders under special and local laws which are punishable with imprisonment, and also to attempts to commit offences punishable with whipping and to the offence of rioting armed with a deadly weapon. The bill giving effect to this decision became law as Act V of 1900.

16. *Lower Burma Courts Act, 1900*.—This important Act gave legislative effect to the decision to establish a Chief Court in Lower Burma which is dealt with elsewhere (Chap. III, para. 22). Outside Rangoon the bill established four classes of civil courts with graduated jurisdiction. In its general lines it followed the Punjab Courts Act, 1884, and the Upper Burma Civil Courts Regulation, 1896.

17. *Act to provide for the Court-fees payable on certain applications to the Court of the Financial Commissioner of the Panjab*.—This was a short measure to provide (otherwise than under the Court-fees Act) for the levy of a suitable fee for revisional applications presented to the court of the Financial Commissioner.

18. *Indian Census Act, 1900*.—Statutory provision was made by this enactment for the powers and duties of Government officers and others in connection with the census operations of 1901 (Chap. XII, para. 5).

19. *Indian Limitation (Amendment) Act, 1900*.—In consequence of a ruling of the Madras High Court to the effect that the period of sixty years limitation allowed to the Crown in connection with suits for contesting encroachments on public roads does not apply when the custodianship of the road has

been ceded to a local body, the Government of India after reference to local Governments decided to amend the law so as to extend the period of limitation from twelve years as enjoyed by private individuals to thirty years in the case of a local body. The change was made by Act XI of 1900 which became law on August 24, 1900.

20. *Bankers' Books Evidence Amendment Act, 1900*.—The Calcutta High Court ruled in March 1900 that certified copies of accounts kept by banks having their head-quarters beyond British India were inadmissible in evidence. The obvious inconvenience of this result led the Government of India to determine to correct it by legislation. The necessary bill was prepared by the Advocate General, Bengal, and became law as Act XII of 1900 on August 24, 1900.

21. *Indian Tolls (Army) Act, 1901*.—A committee which sat in 1895 to consider the question recommended that the Indian enactments relating to tolls should be brought into harmony with the provisions of the Army Act, and into closer accord with actually existing practice. A bill drafted with this object was introduced in October 1899 and passed into law on February 22, 1901, as Act II of 1901.

22. *Indian Ports (Amendment) Act, 1901*.—This measure was passed to give Government the necessary powers to enforce precautions against the importation of disease into India by sea. Its scope and objects have been further explained in Chap. IX, para. 28.

23. *Central Provinces Civil Courts (Amendment) Act, 1901*.—This measure is referred to in para. 38 below dealing with the later Act II of 1904, by which it was repealed.

24. *Native Christians Administration of Estates Act, 1901*.—Representations received from native Christians asking that they might be put on the same footing as Hindus and Muhammadans in respect of their liability to pay succession duties led the Government of India in 1899 to consult local Governments upon the question;* and in accordance with the opinions received, the Government of India concluded that a grievance existed which would be sufficiently redressed if native Christians were exempted from certain provisions of the Administrator-General's Act.[†] As a result, however, of the deliberations of the Select Committee, the scope of the bill was, with the Secretary of State's approval, materially widened. It was decided to exempt native Christians from the obligation to take out letters of administration and to allow them to take out certificates under the Succession Certificates Act. Thus enlarged, the bill was passed into law as Act VII of 1901.

25. *Court-fees (Amendment) Act, 1901*.—This was a merely formal measure passed at the instance of the Government of Bombay, to remove doubts as to the meaning of the term "chief controlling revenue authority" which occurs in the Act.

26. *Repealing and Amending Act, 1901*.—This was another formal measure prepared with the object of lightening the statute book and paving the way for a new edition of the Madras Code. In a few instances Acts of general application were affected, but otherwise the changes were confined to enactments contained in the Madras Code. The bill was passed on October 25, 1901.

27. *Imperial Library (Indentures Validation) Act, 1902*.—The object of this Act was to enable the Government of India to acquire the Metcalfe Hall for the Imperial Public Library (Chap. XII, para. 9) by confirming and

(a) H. D. letter nos. 1822—1831, d. Sep. 11, 1899.

(b) { H. D. despatch no. 21, d. Oct. 11, 1900. (351.)
Despatch no. 60-Judl., d. Nov. 22, 1900.

validating certain indentures made between the proprietors of the building and the Government.

28. *Administrators-General and Official Trustees Act, 1902*.—The main object of this legislation was to give effect to the reforms decided on by the Government of India after consideration of the report of the Committee which enquired into abuses in the office of the Administrator-General. The changes determined on have been already described (Chap. III, para. 26). Opportunity was also taken to provide for the grant of probate or letters of administration in the case of aliens dying under the circumstances detailed in the convention concluded in 1900 between the British and Japanese Governments (Chap. III, para. 20).

29. *United Provinces (Designation) Act, 1902*.—As narrated in Chap. II, para. 10 (a), the creation of the North-West Frontier Province made it very desirable to change the designation of the territories formerly known as the North-Western Provinces and Oudh. Opportunity was also taken to change the constitution of the territories into one lieutenant governorship. The Act recognised and gave effect to these changes.

30. *Central Provinces Village Sanitation Act, 1902*.—The purpose of this measure was to remedy certain defects in the existing Village Sanitation Act of 1889. The new law legalised certain forms of income which by local custom were already raised and authorised their application to the supply of local sanitary needs.

31. *Repealing and Amending Act, 1903*.—With the object of lightening the statute book and paving the way for a new edition of the Bengal Code, a bill was prepared in 1902 to facilitate the citation of certain enactments, to amend certain others and to repeal certain others. As a rule the changes were purely formal, amounting only to the correction of errors or omissions and the rescission of obsolete matter. The small substantive change made in the law relating to the removal of prisoners has already been noticed (Chap. V, para. 7). After formal criticism by local Governments the bill was passed as Act I of 1903 on March 6, 1903.

32. *Provident Funds (Amendment) Act, 1903*.—Upon the institution in 1899 of a provident fund for the police department the Madras Government suggested that legislation should be undertaken to protect the deposits of individual officers from attachment or forfeiture by civil court process. The proposal applied equally to all provident funds of similar character. After consulting local Governments the Government of India decided to modify section 4 of Act IX of 1897 so as to protect any sum standing to the credit of a subscriber to a Government or railway provident fund at the time of his death if such sum is paid or to be paid to his widow or children^a. A bill was introduced with this object on September 5, 1902, and was passed into law on March 13, 1903.

33. *Probate and Administration Act, 1903*.—In 1901 local Governments were consulted upon a proposal put forward by the Bank of Calcutta to the effect that, for the benefit of poor persons interested in the estates of deceased individuals, district judges should be empowered to grant probate and letters of administration having effect throughout British India^b. The common opinion

(a) *H. D. despatch no. 4, d. Mar. 20, 1902.* (353.)

(b) *H. D. letter nos. 1334—44, d. Sep. 30, 1901.* (353.)

approved the proposal and with certain limitations as regards the value of the property affected the Government of India decided to adopt it. The bill which they prepared was approved by the Secretary of State in October 1902, and with a slight modification, became law as Act VIII of 1903 on March 20, 1903.

34. *Victoria Memorial Act, 1903*.—In March 1903 when the scheme (Chap. XII, para. 2) initiated by Lord Curzon for the erection of a Memorial Hall in Calcutta to commemorate the life and reign of Her late Majesty had progressed sufficiently far to call for legal recognition, a short bill was passed to provide for the erection, maintenance and management of the intended building. The Act provides for the incorporation of a body of trustees with all necessary powers, vests in them all property given, bequeathed, transferred, or acquired for the purposes of the memorial, and gives the Governor General in Council power to make rules to carry out the purposes of the Act. When the Act became law, the Government of India proceeded to make rules regulating the term of office and meetings of the Trustees, the constitution of a building committee and the keeping of accounts.

35. *Indian Foreign Marriage Act, 1903*.—This measure was passed with the object of giving effect to the Foreign Marriages Order in Council, 1903, by enabling persons intending to be married under the Foreign Marriage Act, 1892, to cause their intention to be notified to and certified by a registrar appointed in this behalf.

36. *Central Provinces Municipal Act, 1903*.—The existing Municipal Act which was in force in the Central Provinces made insufficient provision for several modern developments. In 1903 a new Act was passed, at the instance of the Chief Commissioner, which embodied the conclusions of recent experience and aimed at securing a higher standard of urban administration.

37. *Poisons Act, 1904*.—The question of controlling by law the sale and possession of poisons throughout India has for many years occupied the attention of Government. Lord Elgin's Government were inclined to think that practical difficulties (arising from the prevalence of vegetable poisons, the use made in legitimate industries of certain mineral poisons, and the evils of excessive interference by the subordinate official agency) were fatal to any scheme of general restriction save in municipal towns; but they invited local Governments to say whether any scheme for the licensing of vendors of drugs in rural tracts was feasible. The opinion of local Governments was in favour of legislation being undertaken to control the importation and sale of arsenic, and the sale and possession of poisons generally within municipal areas, but against any attempt to control the vend of drugs generally in rural tracts. The need for legislation in the case of arsenic was recognised, but it was doubted if such legislation would be effectual. On the whole Lord Curzon's Government decided that the balance of advantage was in favour of legislation, and in 1899 a bill was circulated for the opinion of local Governments^(a), and subsequently for that of the commercial community^(b). The replies showed that the proposed measure involved no danger of interference with mercantile interests, and confirmed the Government of India in their decision to legislate. On a further review of the whole position, they decided to widen the scope of the bill so as to bring the law in India into closer accord with the practice of other civilized countries,

(a) H. D. letter nos. 787—97, d. May 31, 1899. (35 a.)

(b) H. D. letter nos. 438—442, d. Mar. 22, 1900.

and to provide for the likely contingency that the restriction of legislation to the single case of arsenic might lead to the use of other poisons in its stead^a. As redrafted the bill therefore provided for the control of the sale of poisons generally in municipalities and cantonments and authorized the prohibition of the importation of white arsenic save under license, and empowered the local Governments to regulate its sale. It also empowered the Governor General in Council to apply the provisions relating to white arsenic to other poisons. Protection was also afforded for acts done in good faith by medical practitioners and commercial men. The Secretary of State entirely accepted the proposals, and remarked that as the measure was permissive, its effectiveness would depend wholly on the extent to which it was applied and the success attained in framing rules which should accomplish their object with the least possible injury to persons who made a legitimate use of poisons. He suggested that local Governments should be instructed in framing rules to take into consultation Indian gentlemen well acquainted with the domestic habits of the people: and he desired that the working of the new law might be carefully watched and that regular reports on its operation might be submitted. The bill became law as Act I of 1904 on January 22, 1904, and local Governments were then called on to frame rules and to submit them for the consideration of the Government of India^b. It was decided to wait until all the rules had been received before settling those for any province. All Governments have now submitted drafts and these are now being settled.

38. *Central Provinces Courts Act, 1904*.—In 1900 the Chief Commissioner submitted a draft bill providing for the recognition of arrangements previously in force by which commissioners in the Central Provinces had been relieved of all civil work and judicial assistants had become divisional judges. This bill was passed into law as Act IV of 1901. But the complete separation of civil from revenue work was soon found to entail further legislative changes: and in December 1901 the Chief Commissioner forwarded a second draft bill, the effect of which was to substitute subordinate judges and munsifs for assistant commissioners and tahsildars, to create a new class of district judges, and to divert appeals of over Rs. 5,000 in value to the court of the Judicial Commissioner. Provision was also made for the appointment of one or more additional Judicial Commissioners.^c The bill was passed into law as Act II of 1904 on January 22, 1904.

39. *Indian Official Secrets (Amendment) Act, 1904*.—In 1899 the Commander-in-Chief drew the attention of the Government of India to the fact that the difficulty of proving wrongful intent in the case of persons found sketching or photographing works of defence rendered the Official Secrets Act of 1889 in such cases inoperative. Instances had also occurred in which confidential Government papers had been divulged in the public press to the detriment of the administration, and the law officers had differed in opinion as to the extent to which the existing law made such action penal. To provide for such cases the Government of India in March 1899 caused an amending bill to be prepared.^d The Secretary of State was at first inclined to doubt whether for the due protection of military or naval secrets it was necessary to go beyond the English Act; but the occurrence of a second case in which works of defence were photographed by an unauthorized person led the Government of India to address him

(a) H. D. despatch no. 6, d. Feb. 19, 1903 (355^a)

(b) H. D. letter nos. 252-61, d. Feb. 13, 1904

(c) H. D. despatch no. 24, d. Oct. 8, 1903; tel., d. Nov. 8, 1903.

(d) H. D. despatch no. 18, d. Mar. 23, 1899.

(e) Despatch no. 108 (Pub.), d. Sep. 7, 1899.

further upon the subject,^a and on this occasion Lord George Hamilton accepted their view.^b A bill was accordingly prepared, of which the main effect was to place the onus of proving lawful permission upon the alleged offender; to make it clear that the Act applied to civil, equally with military and naval affairs; to make offences under the Act cognizable and non-bailable and to require the consent of the local Government or of the Government of India to the trial of any offence under the Act. The introduction of the bill aroused some opposition which was in the main due to a mistaken notion of its objects and the circumstances of its inception: but in deference to the criticisms received the bill was amended in Select Committee by the definition of 'civil affairs,' by the restoration of the words 'for the purpose of wrongfully obtaining information' in clause (3), and by the making of offences in respect of such matters non-cognizable and bailable. In summing up the debate in Council the President observed that in amending the Act of 1889 Government were merely putting back into it what was always intended to be there: that the protection of civil secrets is among the primary rights of a civilized State: that in India there was not less but admittedly greater need for the exercise of this right than in many other countries: and that no innocent person would be imperilled by the new law. The bill, amended as above, became law as Act X of 1904 on March 4, 1904.

40. *Transfer of Property (Amendment) Act, 1904*.—In recent years the attention of the Government of India has been drawn to certain difficulties attending the optional registration of documents relating to the transfer of rights in immoveable property of less than Rs. 100 in value. All the chartered High Courts and the Punjab Chief Court had held that an unregistered document of the kind in question should not be postponed to a registered one where it can be shown that the transferee under the latter had notice of the transfer evidenced by the former when the latter was executed. Apart however from the examples of English legislation, past experience had shown that the application of the doctrine of notice to India was open to grave objection: and after full consideration the Government of India concluded that the better course was to make it impossible for such difficulties to arise in future by requiring all transfers of immoveable property, when effected by written instruments, to be registered. The specific proposals put to local Governments were:—(1) that the whole or certain sections of the Transfer of Property Act, 1882, should be extended to the parts of British India to which that Act had not yet been extended, namely, the Punjab, and Lower Burma outside Rangoon; (2) that section 59 of the Act (relating to mortgages) should be amended so as to require all mortgages effected by written instruments to be registered, whatever the amount secured; and (3) that section 107 of the Act (relating to leases) should be amended so as to require all instruments of lease to be registered and all leases made by oral agreement to be accompanied or followed by possession.^c In deference to the views of the local Governments concerned it was decided not to extend the substantive Act to the Punjab and only partially to extend it to Burma. The remaining proposals were adopted with slight modifications in the bill which became law as Act VI of 1904 on March 11, 1904.^d

41. *Indian Universities Act, 1904*.—As has been shown in Part I of this book, this important enactment was the outcome of the report of the Universities

(a) *H. D. desp. no. 12, d. Mar. 6, 1902* (355.)

(b) *Desp. no. 107 (Pub.), d. Oct. 10, 1902.*

(c) { *H. D. letter no. 1357, d. June 27, 1899.*

{ *H. D. letters nos. 1360—67-A., d. June 27, 1899.*

(d) { *H. D. desp. no. 13, d. Mar. 26, 1903.*

{ *Desp. no. 70 (Public), d. June 19, 1903.*

Commission which pointed out defects in the system of college education and outlined a comprehensive scheme of administrative and legislative reform. The Act gave the legal authority necessary to give effect to the policy on which the Government of India had decided. It conferred increased powers of control on local Governments. The Senates were reconstituted, the number of Fellows being reduced. Provision was made that they shall be qualified to make the best use of the powers granted under the Act by framing regulations which shall raise the standard of higher education, place it in more expert hands, apply better and less fallacious tests, stop cramming, bring about better teaching, provide for a closer supervision of colleges, and control the residence and conduct of students generally. The Syndicates were recognised as the executive authority in the universities; the privilege of electing Fellows was confined to registered graduates; the affiliation or disaffiliation of colleges was put on a proper footing; and power was taken to define the local limits or the spheres of influence of the different universities. The Act received the assent of the Governor General on March 24, 1904.

42. *Indian Universities (Validation) Act, 1905*.—The circumstances which necessitated the passing of the measure have been explained in chap. VI, para. 44. Certain doubts having been raised as to the construction of the Act of 1904 and the validity of some of the orders and appointments made under it, the Validating Act of 1905 was passed to render the position secure and to obviate litigation.

43. *Court-Fees Amendment Act, 1905*.—The Lower Burma Chief Court held in 1902 that in ejectment suits brought by a landlord the court-fee payable should be determined by the value of the property. In ejectment suits the title is not in dispute and the Burma Government considered that this ruling involved the payment of an unduly heavy court-fee. It therefore proposed in February 1903 to amend the Act so as to provide for a fixed fee of Rs. 10 in such cases. Most of the authorities consulted^a on this proposal thought that there was a case for reducing the fees, but the general opinion was against fixing a fee of Rs. 10. The Government of India therefore decided to adopt the suggestion made in various quarters that the court-fee in ejectment suits should be assessed on the annual rent of the property to which the suit refers. A bill was prepared on these lines and passed into law on September 29, 1905, as Act VI of 1905.

44. *Bengal and Assam Laws Act, 1905*.—This Act provided for the continued application of the law in force in the territories transferred in October 1905 from the Lower Provinces of Bengal to the new Lieutenant-Governorship of Eastern Bengal and Assam, and from the Central Provinces to Bengal. Save for a provision creating a Board of Revenue for the new Province, the Act made no substantive change in the existing law.

(3) REGULATIONS PASSED.

45. *Sonthal Parganas Justice and Laws Regulation, 1899*.—With the object of redefining the enactments applying to the Sonthal Parganas and of re-constituting the jurisdiction of the courts, the Bengal Government in March 1899 submitted a draft regulation which was approved by the Governor General in Council and passed as Regulation III of 1899, on August 9, 1899. A formal amendment of the regulation was subsequently effected by the Repealing and Amending Act, 1902.

(a) H. D. letter nos. 1277-87, dated July 17, 1903.

46. *Chittagong Hill Tracts Regulation, 1900.*—Since 1891 after the settlement of the Lushai country the Chittagong Hill Tracts had been administered under Act XXII of 1860. In 1897 the Bengal Government raised the question of superseding that Act by a regulation more precise in form and more in accord with modern requirements. A regulation framed on the model of that for the Chin Hills was accordingly framed, and received the assent of the Governor General on January 6, 1900. The regulation, which made no radical change in the administration of the tracts, contains but few substantive provisions and leaves the details of administration to be regulated by rule.

47. *Sonthal Parganas Rural Police Regulation, 1900.*—With the object of defining and re-organizing the village police system of the Sonthal Parganas the Government of Bengal in 1899 submitted a draft regulation to regularize the maintenance, appointment, pay, discipline and duties of the village watchmen. The original draft was returned for modification in some respects, and the revised draft was passed into law as Regulation III of 1900.

48. *Upper Burma Civil Courts (Amendment) Regulation, 1900.*—The Regulation relating to civil courts in Upper Burma was amended in 1900 so as to enable decrees of divisional courts in divorce proceedings to be executed and appealed from.

49. *Coorg Courts Regulation, 1901.*—In order to give effect to the reorganization of the district staff of Coorg the Chief Commissioner in 1900 submitted a draft regulation to amend the Coorg Courts Regulation, 1891. The Government of India preferred to re-enact the whole law relating to courts in Coorg and caused the draft to be revised with this object. The regulation became law as Regulation I of 1901.

50. *Upper Burma Civil Courts (Amendment) Regulation, 1903.*—In 1901 the Lieutenant-Governor proposed further to amend the Regulation relating to civil courts in Upper Burma so as to cause appeals from the sub-divisional courts (elsewhere than in the Mandalay Division) to lie to the divisional court; but the Government of India deferred orders on the proposal pending their consideration of the question of executive and judicial functions. In 1903 with the view of affording relief to the Judicial Commissioner and restricting the existing latitude of appeal the Burma Government proposed that the law of appeal in Upper Burma should be generally assimilated to that of the lower province. The draft regulation submitted with this object was approved after revision by the Government of India and became law as Regulation V of 1903.

51. *Upper Burma Civil Courts (Amendment) Regulation, 1905.*—A further step in the direction of assimilating the judicial procedure of Upper Burma to that of the lower province was taken in 1905, when the Lieutenant-Governor proposed to amend the Regulation so as to adopt the provisions of the Lower Burma Courts Act relating to the power of courts to transfer business, and the appointment of judges of divisional, district, and sub-divisional and township courts. The proposal was accepted by the Government of India and the draft regulation submitted by the local Government was passed into law as Regulation III of 1905.

52. *Coorg Courts (Amendment) Regulation, 1905.*—This regulation provides that an appeal, or an application for revision, preferred to the Judicial Commissioner from decrees or orders passed by him in another capacity, or in which

he is personally interested, shall, unless the parties concerned request him to dispose of the case himself, be transferred for disposal to the Madras High Court, or to such officer as the Governor General in Council may appoint to be an additional Judicial Commissioner for the purpose. The measure became law as Regulation IV of 1905.

(c) **BILLS INTRODUCED.**

53. *Civil Procedure Code (Amendment) Bill.*—By far the heaviest legislative project which has occupied the Government of India during Lord Curzon's administration has been the revision of the law of civil procedure. The laboriousness and difficulty of the task are equalled by its intrinsic importance; for the interests of every class of the population without exception are served by the provision of a simple, intelligible, and expeditious procedure for the disposal of its cases in the courts. Every codified body of law requires to be subjected to revision at intervals. Indeed five years has generally been regarded as the normal period for such revision. The chief practical reason for undertaking the amendment of the Civil Code, which had not been re-enacted since 1882, was that the procedure which it provided was cumbrous and obsolete; but secondary reasons of importance were that the Code had become largely a patchwork of amending Acts, and that in addition there had grown up a large body of conflicting decisions by the courts. The main object of a Code was in fact being defeated by the gradual accumulation of case-law. This had been recognised since 1894, and the case for revision had grown annually stronger. In 1896 Sir Henry Prinsep was placed on special duty with the intention that he should revise both the great codes of Indian adjective law; but his time was mainly occupied with the revision of the Code of Criminal Procedure, and in 1899 when the period of his special duty expired he had been unable to do more towards the revision of the Civil Code than to place on record two notes, necessarily incomplete, which were yet of great value in focussing attention on the points requiring amendment. As had been from the first foreseen, the task of completing the revision of the Code was one for which the Legislative Department unaided could not find time and to which it could not bring the necessary practical experience: and in 1900, Mr. Greeven, I.C.S., an officer who combined judicial and drafting knowledge, was placed on special duty for the purpose. In 1901 a draft bill prepared by him was considered in the executive departments and towards the close of the year the Secretary of State's sanction to its introduction was obtained.* After introduction in Council the bill was circulated for criticism early in 1902, and towards the close of that year the opinions received were examined by an informal committee at Simla before reference to the Select Committee. The bill was again taken in Council in the session of 1902-03 and after being further revised by the Select Committee was a second time circulated for opinion; but in view of the urgency of university legislation in the session of 1903-04, its further progress in Council was temporarily suspended. As voluminous opinions had been received upon the far-reaching proposals of the Select Committee, Mr. Greeven was again placed upon special duty for the purpose of preparing a memorandum for the use of the in-coming Law Member.

(a) { H. D. desp. no. 15, d. Oct. 31, 1901.
Tel. d. Dec. 10, 1901.

This was examined during the course of the 1904 season at Simla; and to give effect to the views of the present Law Member, Mr. Greeven who was then Legal Remembrancer in the United Provinces, prepared a fresh draft of a bill which was considered at Calcutta during the cold weather. Further amendments, however, were deemed necessary; and, when they had been effected, Mr. Greeven was placed on special duty for three months in the Legislative Department, where the terms of the revised bill were finally settled with a view to eventual circulation. It is proposed to consult Chief Justices confidentially during the approaching cold weather in the hope that the measure will be finally passed into law during the legislative session of 1906-07.

It will thus be apparent that the bill has undergone many changes. The main alterations which, as revised by the Select Committee, it makes in the existing law will now be briefly indicated. The procedure for the issue and service of process was strengthened and simplified: courts were given discretionary powers: and service through the post or through parties was recognised. The procedure in regard to set-off and counterclaim, and to discoveries and interrogatories, was widened on the English lines. The labour imposed on courts in respect of recording evidence and delivering judgment was lightened. The procedure in execution of decrees was entirely recast. Execution by precept was substituted for the procedure of transfer of decrees. To facilitate the attachment of agricultural produce, it was treated as moveable, and to counterbalance this a large measure of protection by exemption of a portion of the crop was given to agriculturists. In enforcing decrees for conjugal rights courts were given a wide discretion. Questions of mesne profits were excluded from execution proceedings. The obsolete and cumbrous procedure by attachment and sale of debts was replaced by the English procedure in garnishee and charging orders. An insolvent debtor was allowed to apply for protection even though there was no decree against him, and the other glaring defects which have rendered Chapter XX of the Code almost a dead letter were supplied by provisions on the lines of the English law of bankruptcy. Procedure in regard to suits against firms and partnerships was simplified, and that in suits relating to public charities was widened. In respect of appeals and revision also far-reaching changes were suggested. It was proposed to allow an appellant the option of preferring an appeal against a preliminary decree or of waiting for the passing of the final decree and of then appealing against both decrees together. The recording of appellate judgments was simplified. In any Small Cause Court suits the value of the subject-matter of the second appeal was made the test of appealability, and no second appeal was allowed where such value does not exceed Rs. 500. In other suits power was given to the local Government to declare that in any suits in which the value of the subject-matter does not exceed Rs. 100 the decree passed in first appeal shall be final. Considerable restrictions were placed on the right of appeal from orders and some attempt was made to limit the right to move the High Court in revision in cases where no regular appeal lies. In addition to these modifications of principle, the wording of the Code, which was not in accordance with the usage of modern drafting, was revised so as to bring it into harmony with enactments of the present day; and throughout an attempt was made to incorporate all rulings, upon which important questions of procedure depend but which found no place among the sections of the Code. Wherever the wording of the Code had been the subject of conflicting rulings, the point was settled and the doubt removed by explicit language.

54. *Insolvency Bill*.—A bill to consolidate and amend the law of bankruptcy insolvency in British India has been for some years before Council, but is unlikely to be proceeded with at present. So far as areas outside the presidency towns and Rangoon are concerned, the matter will be dealt with in the revised Code of Civil Procedure: within those areas it is governed by the Indian Insolvency Act, the expediency of amending which is under consideration.

55. *Indian Factories (Amendment) Bill*.—The scope of this measure has been described in Chap. XII, para. 34. It was introduced in Council on September 1905 and will be proceeded with during the ensuing cold-weather session.

(d) PROJECTED LEGISLATION.

56. *Copyright*.—A bill to amend the law relating to copyright in India was drafted as long ago as 1894, but its consideration was postponed until similar legislation should be undertaken in Parliament. The subject has recently been re-opened with reference more particularly to copyright in translations and pictures, but the matter cannot be further proceeded with until a reply has been received from the Secretary of State to a request for certain information in regard to translations.

57. *Indian Penal Code*—A bill to consolidate the Indian Penal Code was prepared and forwarded in March 1899 to the Secretary of State, who was informed that when there was a favourable opportunity for proceeding with legislation on the subject he would be again addressed.

58. *Religious endowments*.—The control of religious endowments and wakfs is a question which has been considered from time to time, but the Government of India have consistently adhered to a policy of non-intervention. In 1897, while reserving their own opinion, they permitted a bill to be introduced in the Imperial Legislative Council by Mr. Ananda Charlu, but the measure was unanimously condemned by local Governments when it was circulated, and the Honourable Member eventually withdrew it in March 1901. While this bill was under consideration, the Government of Madras forwarded in September 1899 a draft bill prepared by certain Hindu gentlemen to provide for the better administration of Hindu religious endowments in that presidency. The Government of India, however, thought that the bill involved very material changes in the procedure and principles embodied in Act XX of 1863, and held that the need for legislation had not been established.^a About the same time the Bengal Government forwarded a memorial from the Central National Muhammadan Association praying for legislation to declare the validity of wakfs created by a Muhammadan constituting his children and descendants and kindred the immediate recipients of the benefaction. The proposal was negatived as Muhammadan opinion was divided upon it: but even had it been unanimous, the project, which amounted in effect to the legalization of settlements under the name of wakfs, was opposed to the general policy in the matter of perpetuities and must for this reason have been rejected.^b In March 1902, Mr. Saiyid Husain Bilgrami, Additional Member of Council, asked that an inquiry might be made into the number and value of Muhammadan religious and charitable endowments. The Home Member replied that the

(a) H. D. letter no. 375, d. Feb. 7, 1900. (357.)

(b) H. D. letter no. 1022, d. July 10, 1900.

proposed inquiry would be inquisitorial in character and liable to misconstruction. Similar considerations led the Government of India to negative memorials from certain Muhammadan public bodies in India, which were submitted to them during the latter half of 1902.^a In March 1903, the Government of Madras revived the discussion by submitting a bill prepared by Mr. Srinivasa Rao to remove certain defects in Act XX of 1863. Again the Government of India were unable to approve the proposal as it stood, but they intimated their willingness to meet the wishes of its promoters in some other way, if possible. They proposed accordingly to provide that, in a suit relating to the management of public trusts of a charitable or religious nature, a plaintiff shall not be required to pay court-fees (including process fees but excluding copying and translating fees) when the suit is instituted in the public interest. A bill has been drawn up with this object and has been sent to local Governments for criticism. All opinions have not yet been received.

59. *Presidency Small Cause Courts Act.*—In consequence of an opinion expressed by the Calcutta High Court in 1903, the Government of India took up the question of amending sections 28 and 39 of the Act so as to relieve the High Court of trivial business which the Presidency Small Cause Courts are quite capable of performing. They proposed also to amend section 69 so as to make it clear that the provisions of the Civil Procedure Code apply to references made under that section. These suggestions were generally accepted and the Secretary of State has been asked to sanction the introduction of a bill giving effect to them.

60. *Indian Trusts Act.*—The question of giving trustees a wider discretion in investing trust moneys was raised in 1899 by the Governments of Bombay and Madras. It was at first decided to defer the consideration of the question until a similar amendment could be effected in the Presidency Banks Act; but as the Government of Bombay represented that in the interests of the local improvement trust the matter was urgent Lord Curzon's Government took up the question again in 1901. After exhaustive consideration they proposed not to admit as trustee securities without special sanction the stock of any municipal or local bodies other than the corporations of presidency towns and Rangoon, and the trustees of the port or city improvement trusts of those places. They did not propose to permit such investment in district board stock, though they thought that it may be allowed in the case of debentures or other securities issued by railway or other companies where interest on such stock has been guaranteed by the district board and the particular stock has been declared by the Governor General in Council to be a trustee investment. The Secretary of State, who was asked to sanction the introduction of a bill drawn on these lines, was doubtful whether the executive Government should assume the responsibility of declaring that certain stocks were eligible as trustee investments. The Government of India accordingly determined to consult local Governments and judicial authorities upon the whole question. They assumed that the unconditional investment of trust funds could not be permitted save in the case of the special stocks of presidency towns and institutions, and they sought advice as to the sanction which should be required to, and the conditions which should be imposed upon, investment by trustees in other securities. They inquired also what was the practice of the High Courts in exercising the

(a) *H. D. letter no. 766, d. Mar. 6, 1903.* (358.)

powers which they already enjoyed under section 20 (*f*) of the Indian Trusts Act, to declare that particular securities were suitable for investment.

61. *Indian Registration Act*.—In 1901 the Burma Government proposed to amend the Registration Act so as to exempt from registration certain security bonds executed in favour of Government. The Government of India were not sure that any case for general legislation was made out, but they consulted other local Governments. On receipt of their replies it was eventually decided to leave the matter over for further consideration when the Act next came under revision.

62. *Assam Local Boards Regulation*.—The question of revising the system of local boards administration in Assam, the legal basis of which is at present uncertain, has recently been exhaustively discussed : but in the event it was decided to hold over the draft regulation submitted by the Chief Commissioner until the question of enlarging the territories then under his administration should have been determined.

63. *Transfer of Property Act*.—In January 1904 the Chambers of Commerce in conference proposed an amendment of the Act with the object of further extending the system of equitable mortgage by deposit of title-deeds. This suggestion, together with another proposal made in 1902 by the Government of Bombay with the object of removing some uncertainties in the law, has been reserved for consideration when the Act next comes under revision.

64. *Registration of partnerships*.—In 1904 the Government of India were asked by the mercantile community in Calcutta to initiate legislation for the registration of commercial partnerships, and in 1905 the matter was discussed with representatives of the Bengal Chamber of Commerce. The subject, however, is of a very technical nature and the Government of India have reserved it for further discussion with the representatives of commercial opinion in Calcutta during the approaching cold weather.

65. *Suits for conjugal rights*.—At the end of 1904 the attention of Government was drawn to the absence of any clear provision of law as to assessment for the purpose of jurisdiction of suits for the restitution of conjugal rights. The Government of Lord Curzon consulted local Governments on the proposal that the Suits Valuation Act, 1887, should be amended so as to allow plaintiffs for purposes of jurisdiction to place their own valuation on such suits. The opinions received on this suggestion are now under consideration.

66. *Coroners' jurisdiction*.—In March 1905 the Government of Bengal drew attention to the possible conflict of jurisdiction between the Coroner and the presidency magistrates. The opinions of the Bengal and Bombay Governments and the High Courts at Calcutta and Bombay were invited in July 1905. These have not yet been received.

67. *Miscellaneous*.—The important proposal of Lord Curzon's Government to legislate for the protection of game in India has been described in Chap. XII, para. 30. The two legislative projects—*viz.*, the amendment of the Criminal Procedure Code and the preparation of a general police law for

all India—to which the police reforms of 1903-04 gave rise have been mentioned in Chap. IV, paras. 14 to 17. In Chap. III, para. 21, mention has been made of the bill to alter the designation of the North-West Provinces High Court. The transfer of certain *taluqas* from the Central Provinces to Madras (Chap. II, para. 10) will also necessitate the passing of a formal regulation. The abandonment of the project to legislate for the protection of minor girls has been mentioned in Chap. III, para. 2. Other cases in which the Government of India declined to undertake the legislation suggested to them are recorded in paras. 1, 2, and 20 of the same Chapter. The abandonment of the bill for the protection of telegraphic messages is referred to in Chap. XII, para. 38.

(e) LOCAL LEGISLATION.

It remains only to summarize the more important legislation undertaken in local councils during the years 1899—1904.

68. *Madras*.—The passing of the Madras Registration of Births and Deaths Act, 1899, was an important step towards the improvement of vital registration. The Act empowered the local Government to extend the system of compulsory registration of births and deaths to non-municipal areas. The maintenance of the impartible and inalienable character of certain estates in the Madras Presidency has also been the subject of important legislation.^a With this object the Madras Impartible Estates Act, 1902, was passed as a temporary measure for one year, pending the preparation of a substantive measure. In 1903, however, it became necessary to pass a second Act continuing the first in force till March 31, 1904. Before that date the substantive measure (Madras Impartible Estates Act, 1904) had become law.

69. *Bombay*.—The Bombay Prevention of Adulteration Act, 1899, was passed with the object of making better provision in the city of Bombay and elsewhere for preventing the adulteration of *ghi* and other articles of food. The passing of the Bombay District Municipal Act has been already noticed (Chap. VIII, para. 14). In 1902 the Dekkhan Agriculturists Relief Act was amended with the object of obviating inconveniences which were found to attend the registration of certain documents before the village registrar.^b In the same year the law relating to the functions, powers and duties of the police in the presidency town was amended and consolidated by the passing of the City of Bombay Police Act.^c In September 1903 the Government of India sanctioned the introduction in the Bombay Legislative Council of a Bill to regulate the use of motor-vehicles in that presidency.^d This was passed into law as Bombay Act II of 1904 in May 1904.

70. *Bengal*.—The Bengal General Clauses Act, 1899, made no change in the law but shortened the language and made uniform the terminology of statutory enactments. The history of the Calcutta Municipal Act, 1899, has been fully narrated (Chap. VIII, para. 2). The Darjeeling Municipal Act, 1900, owed its origin to the disastrous landslips which occurred in September 1899 in that station (Chap. XII, para. 52). The Bengal Municipal Act, 1884, which was framed with reference to the conditions of municipalities in the plains, provided insufficient means for controlling the roads, drains, hillsides

(a) Desp. no. 25 (Rev.), d. Feb. 29, 1903.
(b) H. D. letter no. 338, d. Mar. 23, 1901.

(c) L. D. letter no. 990, d. June 23, 1902.
(d) L. D. letter no. 1785, d. Sep. 2, 1903.

and buildings of a hill station ; and the new Act remedied these defects. The Calcutta Tramways (Electric Traction) Act, 1900, gave effect to an agreement made in December 1899 between the corporation and the tramways company for the electrification of the tram system of Calcutta. In 1902 the Bengal Drainage Act, 1880, was amended with the object of improving the provisions relating to the recovery of the expenses of drainage schemes. The purpose of the Bengal Excise and Licensing (Amendment) Act, 1903, has been separately explained (Chap. XII, para 55). The Bengal Motor Car and Cycle Act, 1903, empowered the local Government to make rules regulating the use of motor-cars and cycles in streets and public places in Bengal. The Bengal Settled Estates Act, 1904, was the outcome of a long discussion originated in 1901 by the British Indian Association.^a The object of the measure was to provide in special cases approved by Government for the preservation of influential families whose estates were not protected by the existing law from division on the decease of the proprietor. The history of the inception and passing of the Bengal Smoke Nuisances Act (Bengal Act III of 1905) has been fully given in Chap. XII, para. 36.

71. *United Provinces*.—The United Provinces Steam Boilers and Prime Movers Act, 1899, provided for the inspection of steam driven machinery and its management by competent persons. The passing of the United Provinces Municipalities Act, 1900, has been already referred to (Chap. VIII, para. 14). The Oudh Settled Estates Act, 1900, was the outcome of a long discussion dating from Sir Charles Crosthwaite's lieutenant-governorship regarding the preservation of the *taluqdari* estates in Oudh. It empowered *taluqdars* to apply for a settlement which would prevent their estates from alienation or encumbrance or from attachment or sale.^b The United Provinces General Clauses Act, 1904, consolidated and extended two earlier enactments of similar character: it also provided for the citation of Acts passed previous to the change in the designation of the provinces in terms of their later designation. The Government of India have also approved of legislation being undertaken by the local Government with the object of removing certain doubts regarding the jurisdiction of honorary munsifs.^c

72. *Punjab*.—The Punjab Steam Boilers and Prime Movers Act, 1902, had the same object as the similar measures passed in other provinces. The Delhi Durbar Police Act, 1902, was a temporary measure passed to provide for the administration of the camp areas at the Delhi Coronation Durbar.^d In October 1902 the Government of India approved the introduction in the Punjab Legislative Council of a bill to amend the law relating to the limitation of suits for the recovery of money.^e The proposal was the outcome of discussion in connection with the Punjab Land Alienation Act, and the original intention had been to restrict its scope to the case of agriculturists: but difficulties in framing a satisfactory definition of this class led to the widening of the application of the measure. The Government of India have also agreed to the introduction into the local legislative council of a bill to provide for the control of motor-cars, which were coming into common use in the Punjab as in other provinces of India.

73. *Burma*.—The Burma Gambling Act, 1899, was passed with the object of suppressing certain forms of gaming peculiar to the province. The Public Gambling Act, 1867, was declared by it to be no longer operative in Burma, and

(a) H. D. desp. no. 4, d. Jan. 29, 1903.
Tel. d. Apr. 6, 1903.
(b) { H. D. letter no. 470, d. Mar. 27, 1899.
H. D. letter no. 866, d. June 12, 1899.
H. D. desp. no. 25, d. July 27, 1899.
Tel. d. Aug. 23, 1899.

(c) L. D. letter no. 161, d. Jan. 27, 1904.
(d) L. D. letter no. 1606, d. Oct. 29, 1902.
(e) L. D. letter no. 1664, d. Oct. 29, 1902.

the Burma Gaming Act, 1884, was repealed. The Rangoon Police Act, 1899, provided legislative authority for the creation of a special police force for Rangoon town, and its organization under a Commissioner of Police on similar lines to the police of presidency towns.^a In 1902 the Act was amended with the object of enabling more stringent measures to be taken for the abatement of prostitution and its attendant evils.^b The Burma Municipal Act was simultaneously amended on similar lines. In 1900 the law relating to vaccination in Burma was amended with the object of extending the provisions for the compulsory vaccination of unprotected persons within specified areas. The measure was primarily intended for the protection of Rangoon whither large numbers of coolies annually come.^c By the Burma Towns and Village Laws Amendment Act, 1904, various Acts and Regulations were amended with the object of defining the term *pwé* (public fair) regarding which varying decisions had been given by the courts.^d The passing of the Burma Excise Law Amendment Act, 1904, has been separately noticed (Chap. XII, para. 55). In 1905 the Burma Gambling Act of 1899 was amended with the object of removing certain defects and obscurities, and of enhancing the penalties provided for keeping gaming-houses. In Burma also the need has been felt of providing for the control of motor-vehicles and the Government of India have approved of a draft bill submitted by the local Government with this intention.

(a) L. D. letter no. 812, d. Apr. 14, 1899.
 (b) L. D. letter no. 476, d. Mar. 20, 1902.

(c) L. D. letter no. 638, d. Apl. 25, 1900.
 (d) H. D. letter no. 1895, d. Dec. 31, 1902.

CHAPTER XII.

MISCELLANEOUS.

1. *Death of Her late Majesty.*—The sad news of the death of Her late Majesty Queen Victoria was received on January 22, 1901. A *Gazette of India* extraordinary was issued directing all officers to put themselves into mourning until further orders and requesting all other classes of British subjects to observe a similar mark of respect. The flags at all forts and stations were hoisted half-mast, and 101 minute guns were fired at all the principal garrisons.^a Deep mourning was subsequently notified up to March 6, 1901, half-mourning up to April 17 and official mourning until July 24. On February 2, the day of Her late Majesty's funeral, a memorial service was held in St. Paul's Cathedral, Calcutta; all Government offices were closed and the public were requested to abstain, as far as possible, from doing any business on that day.^b These orders were communicated to all local Governments by telegram and similar services were held at all provincial head-quarters. The intelligence of Her late Majesty's death caused the widest and most genuine grief among all classes of her subjects in India. Thousands of messages testifying to these feelings and expressing loyalty to the new Sovereign were received from public bodies, associations and individuals throughout the empire. These were duly acknowledged and forwarded to the Secretary of State.

2. *Victoria Memorial.*—During the life time of Queen Victoria it had already been Lord Curzon's hope to raise a monument to Her Majesty's name, which should be worthy of her great reign; and the universal feeling occasioned by her lamentable death in January 1901, afforded a conspicuous opportunity for carrying this desire into effect. On February 6, 1901, His Excellency laid before a meeting held in the Calcutta Town Hall a definite scheme for the institution of a memorial of representative and metropolitan character. He proposed that a central fund should be raised for the erection of a fitting monument to the late Queen, which should be situated where it would be seen and visited by the largest number of people. Much had already been done in the way of local commemoration, in the form of statues: and should any city or province see fit to raise funds for independent memorials His Excellency anticipated that it would probably be thought desirable to contribute a portion of the sums received to the central fund. The character of the memorial itself should be structural rather than institutional or philanthropic. Owing to the immense size of India and to distinctions of race, religion and caste it would be difficult to find an object of philanthropic character by which all classes would profit equally. Discussing the question of the position of the memorial the Viceroy gave his opinion in favour of Calcutta, as the capital of the Indian Empire and a city of growing prosperity and importance. All the capitals of Europe possessed collections of relics and mementos connected with their national history, but no attempt had hitherto been made to form such a collection in India. He believed therefore the most fitting and most truly national form of monument which could be devised to commemorate Queen Victoria would be a great building bearing her name, situated in a conspicuous position in the capital of India. The building should not be merely ornamental but should form a national collection for all India,

(a) H. D. notn. no. 167, d. Jan. 23, 1901.

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(b) H. D. notn. no. 295, d. Jan. 29, 1901.

and should comprise a series of galleries and apartments designed to contain statuary, paintings, arms, trophies and memorials in general of bygone Indian history, preference being given to objects connected with the Victorian era. The proposal met with immediate response. A fund was opened, and general committees formed in different parts of India for the purpose of collecting subscriptions. A provisional executive committee, with Sir Patrick Playfair as chairman, was also formed to deal with the receipt and custody of subscriptions.

Early in 1903 when the scheme had progressed sufficiently far to call for legal recognition, a short bill was passed to provide for the erection, maintenance and management of the intended building. In lieu of the provisional committee the Act provided for the incorporation of a body of trustees with all necessary powers, vested in them all property given, bequeathed, transferred, or acquired for the purposes of the memorial, and gave the Governor General in Council power to make rules to carry out the purposes of the Act. When the Act became law on March 20, 1903, the Government of India proceeded to make rules regulating the term of office and meetings of the Trustees, the constitution of a building committee and the keeping of accounts. On the same date the provisional committee issued their last report, in which they announced that nearly 50 lakhs of rupees had been either paid or promised. In the meantime the substantive project had materially advanced. After much discussion in the press and elsewhere the site for the memorial had been finally decided upon and work had begun on the foundations: Sir William Emerson had been selected as architect and had submitted his drawings and plans: and a substantial nucleus had been formed of the collection of historical objects, ultimately to be placed in the Hall, which is being temporarily housed and exhibited during the cold weather season in the Indian Museum.

It has been settled that the building shall be a vast structure of white marble with a central dome in the late Renaissance style. The question of the source of supply of the marble led to much enquiry and discussion. It was Lord Curzon's wish that Indian materials should be exclusively employed, but although many marble quarries were known to exist in India, the Trustees thought that the excessive cost of transport overland and the dearth of skilled labour would render it impossible to draw upon them for the material. It was therefore decided to use Greek marble from the quarries of Pentelikon near Athens, and in March 1905 the Trustees were on the point of concluding a contract with the Marmor Company accordingly. But it was found that owing to the depreciation of the drachma the company had been obliged to withdraw from their original offer and to raise the price per cubic foot from 11 shillings to 14 shillings. Moreover the Trustees were not altogether satisfied with the result of an interview with the company's representative. The question of utilising Indian marble was therefore re-examined and it was found that the expense and difficulty involved in its supply had been over-estimated. Since that time the Trustees have been occupied with ascertaining the best means of winning the Makrana marble, and in drawing up tenders. Two numbers have been issued of the Journal of the Victoria Memorial which will be published at intervals while the building is under construction, in order to keep the public informed as to the progress made with the building and the collections and also to promote outside interest. From the first inception of the scheme contributions to the Memorial collection have been coming in from all sides. These include portraits, statues, historical documents, coins, medals, and oriental

manuscripts, arms and relics of every description. The King-Emperor has presented several paintings of events connected with the reign of Queens Victoria, and a writing table and chair which she used for her daily correspondence at Windsor. The Indian chiefs have contributed most generously to the collection from their armouries and *tosha-khanas*. The largest donation has been presented by the Nawab of Murshidabad. Local Governments have contributed documents of historical interest from their records, while many private societies and individuals also have shown their interest in a practical way. The building will be formally inaugurated on January 5 next when His Royal Highness the Prince of Wales will lay the foundation stone.

3. *Coronation of His Majesty.*—By notification of January 25, 1901, it was announced that His Most Gracious Majesty King Edward the Seventh had been proclaimed King of Great Britain and Ireland and Emperor of India. The proclamation of His Majesty's accession was read by the Sheriff at Calcutta and at the head-quarters of local Governments by the Sheriff or the Chief or other Secretary to Government.^a In accordance with the wish of His Majesty's Government that India should be duly represented at the coronation ceremony in Westminster Abbey, fifteen gentlemen were invited to represent the provinces and presidency cities of India, and proceeded to England at the expense of Government.^b Dr. Pollen, I.C.S., Commissioner of Customs in Bombay, was selected to assist these gentlemen both on the journeys to and from England and during their stay in London. Arrangements were also made to provide seats at the ceremonies for six Governors and Lieutenant-Governors, past and present, and for a few, not exceeding sixty, representatives of the past and present Indian services. A notification of June 10, 1902, announced that His Excellency the Viceroy, accompanied by the Lieutenant-Governor, the Commander-in-Chief and Members of Council, would attend divine service at Christ Church, Simla, at 11 A.M. on Thursday, June 26, 1902, the day originally appointed for the coronation.^c Similar orders were issued for the conduct of divine service at the head-quarters of each local Government. Owing to His Majesty's untimely illness the coronation was postponed and the services appointed in India for June 26, were converted into services of intercession for his recovery. When August 9, 1902, was subsequently fixed for His Majesty's coronation, this date was announced as a public holiday, and divine service was held at the head-quarters of each local Government. Numerous messages of congratulation and addresses of loyalty, several enclosed in caskets, were received from public bodies, associations and private individuals in British India, and were acknowledged and forwarded to the Secretary of State. On August 28, 1902, the Government of India issued orders for the further local celebrations on January 1, 1903, of the coronation of Their Imperial Majesties throughout their Indian dominions. These orders directed the reading of the royal proclamation, the firing of salutes where practicable, the holding of local durbars, the grant of local honours and certificates, the illumination of public buildings, the feeding of the poor and the entertainment of school children. The orders, however, did not refer to Delhi where His Excellency the Viceroy held the Coronation Durbar with its attendant ceremonies, or to Calcutta where, in accordance with the wishes of the local community, the celebration (save for the reading of the royal proclamation) was postponed to a later date.^d

4. *Royal visit.*—The general arrangements in connection with the present visit to India of Their Royal Highnesses the Prince and Princess of

(a) H. D. notn. no. 248, d. Jan. 25, 1901.
(b) H. D. letter nos. 5959-66, d. Nov. 5 1901.

(c) Notn. no. 524-M., d. June 10, 1902.
(d) H. D. resn. no. 2634, d. Aug. 28, 1902. (360)

Wales are being made by the Foreign Department : but the action taken by the Home Department in respect of certain matters may be briefly noticed here. In celebration of Their Royal Highnesses' visit to Calcutta, January 2, 1906 has been notified as a holiday for the Government of India offices and the Bengal Government has been asked to issue similar orders in regard to its own offices. Local Governments have been required to secure proper sanitary arrangements at all places visited in the course of the royal tour, and an efficient medical officer of Indian experience has been appointed to attend Their Royal Highnesses on their journey. Confidential instructions have also been issued regarding the police precautions to be taken.

5. *Census of India, 1901.*—The preliminary steps towards the taking of the third general census of India were settled as far back as 1899 when Mr. H. H. Risley, C.I.E., was appointed Census Commissioner, and the various provincial Superintendents were also selected, though their appointments did not take effect till April 1 following. By a resolution of April 2, 1900, the Government of India after examination of all relevant considerations fixed the night of March 1, 1901, for the census, and determined the schedules, instructions and rules to be issued.^a To provide further for certain connected matters a bill was introduced in the Legislative Council of the Governor General, and was passed as Act X of 1900. In August 1900 further orders were issued prescribing and explaining the form of the returns in which the statistics were to be tabulated :^b and the duties of all public servants in respect of the census were explained to local Governments in a letter of September 1900.^c The distribution of the burden of expenditure on census operations in municipal areas between Government and the local body was also determined : and local Governments were empowered to make rules for census-taking, save in respect of cantonments and marching troops and railways for which the Government of India themselves issued rules.^d For a detailed account of the arrangements adopted, reference must be made to the administrative volume of the Census Commissioner's final report : nor is it possible to notice here the various questions which presented themselves for settlement in connection with such matters as caste, tribe, race, religion, designation, occupation, and age periods. The selection of March 1, 1901, as the best date for the enumeration was fully justified by the result. Only at Ajudhya in Oudh where an irregularly organized fair rendered special arrangements necessary was serious difficulty experienced. The operations embraced for the first time various remote areas previously unenumerated, and extended to the whole of the empire with the exception of West Manglun and the trans-Salween Northern Shan States and certain tracts in Baluchistan which were in a disturbed condition. In the new tracts, as also in certain forest and desert areas, modified arrangements were made ; and in certain outlying districts the population was estimated by counting houses and applying an average obtained by careful observation of typical villages. With these exceptions, the whole of India was divided into blocks, each of which contained from thirty to fifty houses and formed the charge of one enumerator. Above the block came the circle, a compact group of from ten to fifteen blocks or about five hundred houses, under a supervisor who was responsible for the work of all the enumerators in his circle. Circles were grouped according to thanas, taluks or other recognised administrative divisions into charges under charge superintendents, who exercised general supervision over the operations and tested a large proportion

(a) H. D. resn. nos. 30—32, d. Apr. 2, 1900. (361)
(b) H. D. resn. nos. 137—49, d. Aug. 3, 1900.

(c) H. D. letter nos. 204—15, d. Sep. 26, 1900.
(d) H. D. notn. no. 292, d. Dec. 7, 1900.

of the work of their subordinates. During January and February—the precise period varied with circumstances—the enumerator wrote up the census schedules for all the persons in his block ; and this record was checked and corrected by the supervisors and superintendents and by officers of the district staff. On the night of March 1, the enumerator went round his block, and brought the census up to date by striking out the names of people who had died or left the block, and by filling up the papers for fresh arrivals and newly-born infants. On the morning of March 2, the enumerators of the various blocks met the circle supervisor at a place previously arranged, and prepared the first totals of their blocks so as to show the number of occupied houses, males, females, and total population for each block. The supervisor combined the block totals into a circle total and sent this on to the charge superintendent, who did the same for his charge and reported the charge totals to the district officer. The charge totals were then combined under the supervision of a gazetted officer, specially deputed for the purpose, into the district total which was telegraphed to the provincial Superintendent and to the Census Commissioner. The first totals were obtained with great expedition. The State of Rampur reported its total population on the morning of March 2 ; and all the returns for the Central Provinces were sent in by March 7. At every stage the figures were added up by two persons working independently, and special precautions were taken against the omission of circles or blocks. The figures thus obtained showed that the population of India had risen since 1891 from 287,317,048 to 294,266,701, or by 2·42 per cent. On deducting for the purpose of comparison the population of tracts now enumerated for the first time, the proportionate increase for the ten years was reduced to 4,283,069, or 1·49 per cent., as compared with 11·2, the actual rate of increase between 1881 and 1891. This result is in the main due to the figures for the native states, which have fallen from 66,050,479 in 1891 to 63,181,569 in 1901, or a decrease of 4·34 per cent. The figures in British India in the corresponding period show an almost equivalent rate of increase, having risen from 221,266,569 in 1891 to 231,085,132 in 1901, an increase of 4·44 per cent.^a

These figures were subsequently revised after a searching examination of the original returns, and the application of a variety of tests. The final statistics issued about a year later showed a total population of 294,362,676 persons—149,953,765 males and 144,408,911 females. The final numbering of the people therefore exceeded the first by 95,975, a difference of three persons only in every 10,000. The corresponding difference was $\frac{1}{2}$ per cent. at the census of 1891. The census report itself extending to twenty-five volumes for the various provinces was issued during 1902-03. In September 1902 Mr. E. A. Gait succeeded Mr. Risley as Census Commissioner and their joint volume dealing with the results for India generally appeared in December 1903.

6. *Imperial Gazetteer*.—In August 1900 when the preliminary operations were being undertaken in connection with the census, the Government of India decided to take advantage of the special facilities which these offered for effectively and cheaply revising the *Imperial Gazetteer of India* through the agency of the provincial Superintendents of the census. These officers had been selected with an eye to their literary aptitude and would, it was thought, on the completion of the census be well equipped with material for compiling articles dealing with provinces, states, districts, large cities, etc. The Government of India accordingly proposed that the appointments of Superinten-

(a) *H. D. resn.*, nos. 34—51, d. Mar. 15, 1901.. (382.)

dents should, on completion of the census work, be extended in order that their services might be utilized in connection with the revision of the gazetteer. They proposed also to appoint the Census Commissioner as the India Editor to superwise the whole work. It was further suggested that the co-operation of retired officials might be invited and that Mr. P. E. Roberts should be entrusted with the historical portion of the work. The total expenditure to be incurred in India was estimated at a lakh and-a-half, and the printing and other charges to be incurred in England at about £5,500. These proposals were generally approved by the Secretary of State and in November 1900 local Governments were directed to institute inquiries. Further correspondence followed with the Home Government regarding the general working-plan. The proposal that the historical part of the gazetteer should be written by Mr. Roberts was abandoned and it was decided that this portion of the work should be written in England mainly by retired officials. Mr. J. S. Cotton was selected by the Secretary of State as the English Editor. At the outset an important change was introduced in the form of the existing work by the adoption of a geographical instead of an alphabetical arrangement.^a The spelling of names was to follow the authorized system laid down in previous orders, except that for indicating long vowels the use of the horizontal line was adopted. It was settled that the entire printing and binding of the work should be done in England. Further detailed instructions to local Governments were issued in November 1902.^b Owing to Mr. Risley's selection in September 1902 as Home Secretary, Mr. W. S. Meyer, C.I.E., was appointed Editor for India, and on the latter's appointment in February 1905 as Finance Secretary he was succeeded by Mr. R. Burn, formerly Provincial Superintendent in the United Provinces. The revision of the provincial gazetteers was simultaneously taken up and full instructions on the subject were conveyed to local Governments in November 1902.^c After further correspondence with the Secretary of State, however, it was decided that the existing alphabetical arrangement for the Imperial Gazetteer should be maintained.^d In June 1904 the Secretary of State intimated that he had decided to entrust the printing and publication of the Gazetteer to the Clarendon Press, Oxford, and in March 1905 after further discussion he resolved that the provincial volumes should also be printed at the Clarendon Press, but published in India. The Secretary of State also approved the proposal of the Government of India to issue a special atlas in connection with the gazetteer, and the work was entrusted to Mr. J. G. Bartholomew. The atlas will be of the same size as the gazetteer volumes, and uniform with them in binding. It will consist of 64 plates or separate sheets. A folding map of India will also be inserted in a pocket in each of the volumes of the Indian Empire series described below. Some minor details in connection with the preparation of the maps are still under consideration.

The result of the entire operations may be explained as follows:—There will be issued, in the first place, the new Imperial Gazetteer. This will embrace—(a) four volumes on India as a whole, dealing respectively with descriptive, historical, economic, and administrative matter; (b) eighteen volumes (V to XXII) containing, in a general alphabetical arrangement for all India, articles on provinces, states, mountains, rivers, districts, towns, etc.; (c) a concluding index volume for the whole work on the lines of volume XIV of the existing Imperial Gazetteer. Next will come the four India volumes of the Imperial Gazetteer comprised in (a) above. These, while

(a) *F. and C. despatch no. 287, d. Aug. 30, 1900 (363)*
H. D. letter nos. 2948—60, d. Sep. 24, 1902. (364.)—
 (b) *H. D. letter nos. 3850—63, d. Nov. 1, 1902..*

(c) *H. D. letter nos. 3371—83, d. Nov. 1, 1902.*
 (d) *H. D. letter nos. 2508—20, d. July 2, 1903.*

forming a component part of the Imperial Gazetteer, will also be issued separately as the Indian Empire Series; and each volume will have its own index. In the third place will be issued the provincial gazetteer, which will be a collection for each British province and native state of the articles relating thereto which are scattered through volumes V—XXII of the Imperial Gazetteer. These articles will be brought together for each province, and the whole series will consist of twenty-five volumes. Each volume will contain a full table of contents and a separate index; but there will be no general index volume to this series, which is intended only as a convenient substitute for the Imperial Gazetteer for local purposes. Persons who desire information in regard to a large number of provinces will consult the Imperial Gazetteer. Finally there will be a district gazetteer series, comprising two separate volumes for each district, *viz.*, a main volume (A) containing descriptive matter, and a subsidiary volume (B) giving the more important district statistics.^a It is hoped that the India volumes of the Imperial Gazetteer will be sent to press by the end of this year. The alphabetical portion cannot be printed till the provincial gazetteers are complete, but the latter should go to press towards the end of 1906. Reports on the progress made with the district gazetteers, which are not being uniformly issued in all provinces, do not reach the Government of India.

In June 1903, the Government of India proposed the grant of honoraria at the rate of £2 a page to retired officers and officers on leave for preparing chapters of the Indian Empire volumes. The Secretary of State, however, has decided to allow payments at the rate of one guinea a page only, except in special cases which appear to justify exceptional treatment.

7. *Ethnography*.—In December 1899 the British Association suggested that the census of 1901 would afford a unique opportunity for the collection of ethnographic information. The Government of India, to whom the Secretary of State referred this suggestion, pointed out that ethnographic data could not conveniently be collected by the enumerating staff nor embodied in the census tables: but certain preliminary information might, they considered, be obtained at the census which would afford material for a regular survey to be separately conducted. For this latter purpose they proposed to give an allowance to a selected officer as superintendent in each province, who would communicate with any persons from whom valuable information might be derivable, the information thus obtained being collated by the superintendent and worked up from his own inquiries. An allotment to be spent as honoraria to persons supplying valuable information was also suggested. For anthropometric work in the different provinces separate proposals were made.^b These arrangements were approved by the Secretary of State and announced to local Governments.^c In most provinces the officers in charge of census operations have been appointed to the superintendence of the provincial ethnographic survey: and the work is now proceeding under the general direction of Mr. H. H. Risley, C.S.I., C.I.E., as Director of Ethnography for India.

In the case of Assam a departure from the general scheme was sanctioned and the more important tribes and castes of the province will be dealt with in a series of separate monographs, written by officers with special knowledge. The monograph on the ethnography of Manipur was entrusted to Mr. T. C. Hodson, late of the Indian Civil Service.^d

(a) H. D. letter nos. 655–65, d. Mar. 23, 1904.
(b) F. & C. desp. no. 365, d. Nov. 1, 1900.

(c) H. D. resn. nos. 3219–32, d. May 8, 1901. (365.)
(d) F. & C. desp. no. 17, d. Jan. 21, 1904.

8. *Linguistic survey*.—For the purpose of completing the linguistic survey of India which had been undertaken by Lord Elgin's Government, Dr. Grierson was placed on special duty in England for eighteen months in September 1900 on a salary of £ 1,620. His deputation was subsequently prolonged till September 1903, from which date he retired from Government service. He has since been completing the work without special remuneration other than an allotment for miscellaneous expenses. It is proposed, however, to grant him an honorarium of £500 when the work is completed. Progress has been delayed by the difficulties of printing, but the work is now approaching completion. Out of the eleven volumes which it is proposed to publish, six have already been printed or are ready for the press. Dr. Grierson's conclusions upon Indian philology will be contained in a general introduction to the survey which will be written when all the material is complete.

9. *Imperial Library*.—One of the matters to which Lord Curzon turned his attention at an early date was the need for an imperial library in India which should be open to the use of the public. The increasing use already made of the limited facilities presented by the Imperial Secretariat Library in Calcutta suggested that an institution completely equipped would meet with general appreciation. With this object the Government proceeded after troublesome negotiations to acquire from the Calcutta Public Library and the Agri-Horticultural Society their proprietary rights in the Metcalfe Hall in Calcutta, and to purchase the books belonging to the former. To confirm and validate these transactions a short bill was introduced in the Legislative Council of the Governor General and passed as the Imperial Library (Indentures Validation) Act, 1902: and with the Secretary of State's sanction the post of librarian on a salary of Rs. 1,000—50—1,250 was created, in the first instance for five years, to which Mr. J. Macfarlane of the British Museum staff was appointed. The renovation and equipment of the building, the work of weeding and cataloguing, and the transfer and arranging of the books from the Secretariat building were completed towards the end of 1902, and on January 30, 1903, the new Imperial Library containing nearly 100,000 books was formally opened by the Governor General in whose speech the scope and objects of the institution were explained.^a Briefly it is intended that it should be a library of reference, a working place for students, and a repository of material for future historians in which all books relating to India can be seen and read.

While the control of the Imperial Library rests with the Government of India, who have created its staff and provided for its maintenance and enlargement, its internal management has been delegated to a council of four members appointed by the Governor General in Council. Rules have been framed to regulate the lending of books and the hours during which the library will remain open. At the outset an annual grant of Rs. 10,000 a year was made for the purchase of books. In 1904 an additional grant of Rs. 3,000 was found necessary: and in the current year a further grant of Rs. 5,000 has been made for the purpose of adding to the stock of books on commercial and economic subjects. Additions have also been made from time to time to the establishment as the work increased.

The expansion of the library will shortly render it necessary to consider the question of increasing the accommodation. There are difficulties in the way of supplementing the present building on the existing or an adjoining site, and it

(a) { F. & C. desp. no. 267, d. Aug. 8, 1900.
F. & C. desp. no. 89, Mar. 20, 1902.
H. D. resn. nos. 201—207, d. Jan. 30, 1903.

is possible that the best solution may be found in taking over the Town Hall from the corporation of Calcutta and transferring the library there (para. 27 below). The first two annual reports presented by the librarian show that the public have been quick to take advantage of the new institution, the average attendance on ordinary days during 1903 being fifty-four persons and during 1904 eighty-one persons. At the same time the proportion of requisitions received for books not actually in the reading-room is remarkably small, and suggests the conclusion that a race of students or even of serious readers does not yet exist in Calcutta and will only be slowly evolved.

10. *Imperial Record Office*.—The process of dealing with the old archives of the Government of India is somewhat intricate. The folded records are first flattened out and where necessary patched; they are then docketed and compared with the volume of fair copies, and a press list, briefly indicating their purport, is drawn up. The press lists are sent to the India Office for comparison, and copies of documents found wanting in the Calcutta or the London collection of records are exchanged. In spite of the adoption of an abbreviated form of press lists progress has been slow, and up to 1903 nothing had been done towards the compilation of the ultimate calendars. In that year the Government of India sanctioned a substantial increase of staff for the record office to enable the preparation of press lists to be pushed on and the compilation of abstracts for certain periods to be taken in hand.

Early in 1904 Lord Curzon directed that the question of the facilities afforded to the public for research in the early records of the Government of India should be examined. It appeared that, in spite of the considerable expenditure which had been incurred from the year 1880 onwards, and the laborious industry of a somewhat limited staff, very little had been done to render the Government archives accessible to students of history or to present their contents in a convenient form. This state of affairs was regarded as a reproach to the Government, and with a view to its removal, a scheme for the preparation of calendars both in England and in India was worked out, which was submitted to the Secretary of State by Lord Ampthill's Government. The Government of India asked for the appointment of an officer trained in the English record office system to be assistant to the officer in charge of their records, and explained that his services were required not only with a view to the preparation of calendars but also in the general interests of the department, the work of which had greatly suffered through frequent changes in its head, whom it had been the practice for many years past to recruit from the educational service. The Secretary of State consulted the Deputy Keeper of the English Records who thought that calendars could be produced better, more cheaply and more quickly in London than in India, and the question was referred to the Government of India in February 1905, for further consideration in the light of Sir Maxwell Lyte's suggestions. Lord Curzon's Government, after careful re-examination of the matter, have determined to adhere to the proposal put forward last year that calendars should be prepared both in England and in India. They have further decided that the present arrangement under which the officer in charge of the records reverts to the education department on promotion needs modification, and that the officer appointed to the post should be given sufficient remuneration and required to remain in the appointment for a substantial period, if not for the rest of his service. In pursuance of these principles it is proposed to appoint Dr. E. D. Ross, Principal of the Calcutta Madrasa, to be officer in

charge of the records and also to renew the suggestion that an assistant should be appointed from England.

11. *Preservation of records.*—In 1902 the Secretary of State called attention to the deteriorated condition in which certain old Bombay records had reached the India Office and forwarded for the consideration of the Government of India notes by Sir Charles Lyall and by Mr. Hill, Record Officer, then on leave, containing suggestions for the better preservation of the archives throughout India.^a The prominent feature of the scheme was the institution of central record rooms for the gradual collection of papers from mufassal offices. The replies of local Governments to whom these proposals were referred showed that provincial records were generally well housed and carefully kept, both in the central and in district offices; that their condition was considerably better than Mr. Hill anticipated; that what was required were mechanical improvements in the arrangements for their custody such as local Governments were competent to provide; that there was much work to be done in the matter of making lists of records; and that while opinions varied regarding the advantages of the removal of records from district offices to provincial centres, there was a very strong general feeling against the removal of records from the province to which they belonged. The Government of Lord Curzon entirely accepted this opinion and deemed it necessary therefore only to lay down certain general principles for the guidance of local Governments, in regard to the storage, arrangement and preservation of records. The idea of centralizing control over provincial records generally, as Mr. Hill had suggested, was abandoned, and in view of the uncertainty whether a building for the imperial archives would be available at Simla, the question of amalgamating the records of the Government of Bengal with those of the Government of India was reserved for further consideration. These conclusions were endorsed by the Secretary of State. The discussion has been of value in arousing the interest of local Governments in the question of their ancient records, and in instructing them as to the correct principles on which the work of weeding and preservation should proceed. The Government of Bengal, whose earlier proposals for separating all its records into two classes, to be either printed *in extenso* or destroyed, had been negatived by the Government of India, has since arranged to have its records examined and listed. The Government of the United Provinces is considering the questions of deputing a junior officer to index and arrange its records and to work up the history of important administrative questions: and the Government of the Punjab has prepared a scheme for the publication of some of its old papers of historic interest, to which the Secretary of State's sanction has just been received.

12. *Publications of records and texts.*—In June 1900 the Royal Asiatic Society suggested that the Government of India should bring out a series of historical volumes corresponding to the Rolls Series and the publications of the Historical Manuscripts Commission in England. The society offered assistance in the matter of publication and was prepared to bring out two volumes annually at a cost of £240 per volume. The Government of India welcomed the idea, and decided that the series should consist of two parts to be called the Indian Records Series and the Indian Texts Series respectively. They were willing to make a grant for the purpose of Rs. 15,000 a year for five years.^b Professor Rhys Davids was nominated as editor of the texts series: this will begin with an Arabic history of Gujarat discovered by Dr. E. D. Ross, a volume

(a) Desp. no. 34 (Public), d. Nov. 28, 1902.
(b) F. & C. desp. no. 191, d. July 3, 1902. (366)

of historical maps of India, four volumes of Manucci's travels, two volumes containing an index of Vedic names and a volume, to be prepared under the direction of Professor Rapson, relating to the recorded discoveries of ancient Indian coins. For the four volumes of Manucci's history additional expenditure on illustrations has been sanctioned. In the records series will be issued a work in three volumes by Mr. Hill on the siege of Calcutta, a work in two volumes by the late Dr. Wilson on Fort William, a work in two volumes by Sir Richard Temple on the transactions of Sir Streymsam Master and a collection of Clive's papers made by Mr. Forrest^a. Later on the Government of India propose to issue a collection of the minutes of the Governors General and papers are being collected for this purpose by the record office. In May 1905 when the contract with the Royal Society was about to terminate the Secretary of State arranged that the issue of the records series should be placed in the hands of Mr. John Murray's publishing firm. He suggested that the preparation of the texts series might still be left to the Royal Society but that the volumes should be published by Mr. Murray. Lord Curzon's Government agreed to this arrangement. The Government of India have also recently decided to publish at Government expense a work on the history of Assam by Mr. E. A. Gait, which was not considered to fall precisely within the scope of either of the foregoing regular series of publications.

13. *Bardic chronicles*.—In September 1904, Dr. Grierson, the Superintendent of the Linguistic Survey, drew Lord Curzon's attention to the historical value of the bardic chronicles which were lying neglected in many libraries of Rajputana and Gujarat, and suggested that arrangements should be made to edit and to publish them. The matter was discussed in communication with the Asiatic Society of Bengal which ultimately undertook the management of the work. Lord Curzon's Government accordingly sanctioned a grant of Rs. 2,400 to the society for expenditure during the year 1905-06 on a search for manuscripts and on a preliminary survey of the chronicles.

14. *Search for Sanskrit manuscripts*.—The Agent to the Governor-General in Central India proposed in April 1903 that steps should be taken to catalogue the Sanskrit manuscripts in Central India, which were believed to be numerous and valuable. After consulting the Bombay Government, who were in receipt of a small grant for the purpose, the Government of India sanctioned the deputation of Mr. Bhandarkar, Professor of Sanskrit in the Elphinstone College, to make a preliminary tour through Central India, the Central Provinces and Rajputana. The results of this tour were thought to justify Mr. Bhandarkar's further deputation for a period of twelve months and the appointment of an appropriate staff to assist him, and this arrangement was sanctioned with the Secretary of State's approval. Mr. Bhandarkar's report showed that much waste and destruction of manuscripts was occurring in private collections and those of native states, and the Chief Commissioner of the Central Provinces and political officers were accordingly instructed to do what they could to induce measures of preservation to be taken.

15. *Collection of Tibetan books*.—During the recent mission to Lhasa the Government of Lord Curzon arranged to purchase as many valuable Tibetan books, manuscripts, block prints and articles of special interest as could conveniently be acquired. For this purpose the sum of Rs. 10,000 was placed at the disposal of the British Commissioner of the Tibet Frontier Mission, and the

(a) { Desp. no. 37 (Public), d. Dec. 5, 1902.
H. D. desp. no. 17, d. Apr. 23, 1903.

duty of selection was entrusted to Lieutenant-Colonel Waddell, I.M.S., archaeologist to the mission. The collection acquired by that officer was sent down to Calcutta and sorted in the Indian Museum, and after the retention of various articles for that institution, the remainder were presented by the Government of India to the India Office, the British Museum, the Bodleian Library, Oxford, the University Library, Cambridge, and the Smithsonian Institute.

16. *Proposed dictionary of biography for India*.—In August 1903 Mr. C. E. Buckland, C.I.E., submitted a scheme for the compilation and publication under the authority of the Government of India of a biographical dictionary for India to be prepared on lines similar to the Dictionary of National Biography. After careful examination of Mr. Buckland's proposals and personal discussion with him in Calcutta, the Government of India declined to proceed with the undertaking.

17. *Spelling of Native names*.—In December 1902 the Secretary of State drew attention to the want of consistency in the spelling and arrangement of native Indian names in official lists.^a The matter had already attracted the attention of His Excellency the Governor General. Accordingly local Governments were asked to take the question up and to endeavour to secure uniformity of practice.^b On receipt of their replies the Government of India decided that each name should be spelt as commonly written and pronounced by an educated native when writing and speaking the vernacular. The standard system of transliteration should be adopted, and names should be indexed according to surnames or failing these, according to generic, or in the absence of generic, distinctive personal names. Titles were not to be treated as surnames, and cross-references should where necessary be given. Local Governments were asked to revise their provincial service lists accordingly. On receipt of their replies, certain details of the question were settled in communication with the Editor of the gazetteer, and the Government of India then proceeded to pass general orders on the case; defining the extent to which surnames should be recognised, and reducing the divergent forms of spelling current in the different provinces to as few variants as possible. Local Governments were asked to endeavour to extend the standard forms now prescribed to all classes of official documents; and it is hoped that the reform thus instituted may in time make its influence felt on general usage throughout the country.

18. *Literary pensions*.—In various instances Lord Curzon's Government have with the Secretary of State's concurrence recognised literary merit on the part of private individuals by the grant of special pensions. In 1899 a pension of Rs. 25 was granted to Kisori Mohan Ganguli, translator of the *Mahabharat*: in December of the same year a similar pension was sanctioned for Dinesh Chandra Sen, author of a literary history of Bengal: in June 1900 Hem Chandra Banarji, a Bengali poet, received a pension of Rs. 25: and in December 1903 Mahamahopadhyaya Chandra Sekhara, author of a treatise on Hindu astronomy, was granted a pension of Rs. 50 a month. It is not the intention of Government to institute a regular civil list: but they look on the occasional grant of such rewards, in selected cases of exceptional merit, as a wise and graceful means of discharging their obligation to encourage native literature.

19. *International catalogue of scientific literature*.—In furtherance of the scheme put forward in 1896-98 by the Royal Society for the publication of an international catalogue of scientific publications, intended to enable students all over the world to acquaint themselves readily with the results of scientific work, the Government of India undertook to assist the Asiatic Society of Bengal,

(a) Desp. no. 35, d. Dec. 5, 1902.

(b) H. D. letter nos. 1416-25, d. Mar. 25, 1903. (367)

who had agreed to act as a bureau for India, in collecting information regarding scientific publications in this country. They arranged with local Governments that the officer appointed to receive copies of books which are sent by their authors to Government in compliance with Act XXV of 1867 should forward direct to the society slips containing entries for incorporation in the catalogue. Local scientific bodies were also invited to furnish copies of their proceedings regularly to the Asiatic Society. It was further arranged that all publications of a scientific character issued by local Governments or departments should be similarly reported to the society. A grant of Rs. 1,000 was also made for the purposes of the scheme and has since been renewed as was required. Subsequently local Governments were asked to report how many copies of the catalogue in whole or in part they would require and this information was communicated to the director of the catalogue.

20. *Copyright.*—Various requests have been received by the Government of India for the amendment of the law of copyright in India. In 1901 the Publishers Association and the University of Oxford urged that legislation was required to provide against the unauthorized translation of copyright books and that the native states should in this respect be brought into line with British India. The Indian law is admittedly obsolete and imperfect; but the difficulties in the way of its amendment are considerable. The view to which the Government of India inclined was that legislation in India should follow and not precede legislation in England and they asked therefore that a more definite statement of the grievances alleged might be furnished. The matter, however, was not further pursued. In 1902 the General Council of medical education asked that the British Pharmacopoeia and its addenda might be protected. The Government of India replied that so far as India was concerned there was small risk of piracy and that if the Medical Council desired to secure comprehensive protection, the better course would be to initiate legislation in Parliament. The request of a Bombay lithographic firm for the protection of drawings and pictures has also been noted for consideration when the general subject is taken up.

21. *Reviews of books and publications.*—In 1899 and again in 1904 the Government of India issued orders for the improvement of the annual report on books and publications registered under Act XXV of 1867. Their object is to obtain a concise account of the intellectual progress of the country as evidenced by the writings of native authors. The reports are written under the general supervision of the Directors of Public Instruction and these officers have been desired to give the matter their personal attention and to require a close adherence to the standing instructions. In the case of Bengal the Director has been permitted to avail himself of the assistance of the Imperial Librarian, on the understanding that the former officer is not relieved of his direct responsibility for the report.

22. *Old Fort William.*—Attempts to fix the site of old Fort William in Calcutta date from 1882 when part of the foundations of the fort were discovered during the construction of the railway offices in Fairlie Place. The demolition of other buildings in 1891 and 1895-6 enabled Dr. C. R. Wilson of the educational service in Bengal to settle with accuracy the topography of the fort and to determine precisely the position of the Black Hole and of the Holwell monument. Lord Curzon had personally taken great interest in Dr. Wilson's

researches and on February 28, 1900, His Excellency convened a meeting on the spot to inspect the locality and to discuss the measures which should be taken to commemorate the various points of interest. His Excellency decided that the massive masonry gate at the east end of the Post Office should be removed, so that the site of the Black Hole might be easily visible. This has been done, and the site itself has been covered with polished black marble and enclosed with a railing, an inscription on a black marble tablet being placed on the wall above. From this spot onwards round the outline of the old fort the course of the original walls and bastions, wherever unoccupied by later buildings, has been marked by brass lines sunk in a stone pavement specially laid for the purpose, while the identity of the different features of interest has been indicated by inscribed tablets affixed to the adjoining walls. The statue of Sir Ashley Eden which had been erected upon the exact site of the monument put up by Holwell over the spot where the bodies of the victims of the Black Hole were thrown into the fort ditch, was removed to Dalhousie Square, and an exact replica of the original memorial in white marble was erected on the spot. This fine obelisk is the personal gift of Lord Curzon to the city of Calcutta. It was unveiled by His Excellency on December 19, 1902, on which occasion he made a speech, explaining what had been done to restore and to commemorate the monuments of the early settlers in Bengal, and declaring the policy adopted by his Government of preserving throughout India the relics and memorials of the historic past.

23. *Dalhousie Square, Calcutta.*—The question of improving the appearance of this historic area was taken up by Lord Curzon in January 1905. At His Excellency's instance the local Government arranged with the corporation of Calcutta to take over and to maintain the square. Mr. J. Cameron, Superintendent of the Botanical Gardens, Bangalore, was then selected to advise upon the reconstruction of the square, and his plans having been approved by the Viceroy are now being put into execution. It is proposed to improve the symmetry of the tank, to construct a broad walk through the centre of the square, to lay out lawns ornamented with flower beds and shrubs, to add new steps and a balustrade to the tank, and to erect statues along the northern front facing Writers' Buildings. Eventually the removal of the Dalhousie Institute, which obstructs the view from Wellesley Place, and of the Darbhanga statue will be considered. The improvements already undertaken will, it is hoped, be completed before the visit of Their Royal Highnesses to Calcutta in December next.

24. *Kidderpur Park.*—The Government of India have lately considered the question of the future disposal of the estate and buildings of the Kidderpur Military Orphanage, which will cease before long to be occupied for their present purpose. Different suggestions have been made for the ultimate disposal of this exceedingly valuable site either for Government uses, or for building purposes. Lord Curzon's Government were, however, much impressed with the advantages of conserving the park, the most beautiful unoccupied spot in the southern part of Calcutta, for the enjoyment of the public. In its proximity to the Zoological Gardens they believed that they had found a clue to the manner in which this object might well be attained. The gardens themselves are at present unduly cramped; many classes of animals cannot be accommodated in them for want of space; expansion is impossible; and scientific experiments in naturalization and the improvement of breeds cannot be carried out. The gardens

are already the most popular and frequented site in Calcutta and their value for all purposes will be greatly enhanced by the addition of the Kidderpur grounds. The Government of India accordingly proposed to add eventually to the Zoological Gardens the whole of the park and the orphanage buildings in it. This design however cannot be carried out in its entirety until the main orphanage is evacuated. In the interim it is intended to leave this building and the large open space of ground to the north of it in the occupation of the surviving inmates, who will find it ample for their purposes, and to surrender at once the southern and still larger portion of the park, stretching from the rear of the main orphanage to the Bengal Cavalry lines, for the purpose to which it has been decided ultimately to devote the whole. With this object the Government of India addressed the Government of Bengal in August 1905. They added that it was essential that the proprietary rights of the Government of India over the buildings and lands should be maintained in full and that they should also be adequately represented upon the committee of management of the Zoological Gardens. They suggested that a portion of the ground might be converted into paddocks for deer and other animals and that an entrance to the park from the maidan would be required, which perhaps might be provided in the shape of a footbridge across Tolly's Nullah. Later on, they thought that the main orphanage which is a handsome building and contains some fine rooms might appropriately be used as a zoological museum. They anticipated that the time would soon come, when with the contemplated expansion of the Zoological Gardens, the services of a trained naturalist as official custodian would be required. In that event the smaller or lower orphanage building, at present unoccupied, might serve for his accommodation. These proposals have been made public, but the local Government's views have not yet been received.^a

25. *Calcutta Maidan*.—In consequence of certain action affecting the use and aspect of the Calcutta Maidan which had been taken by the local Government without their knowledge and of which they felt wholly unable to approve, the Government of Lord Curzon determined in 1903 that, as legal proprietors of the area in question, they could no longer acquiesce in arrangements which left them wholly without a voice in matters affecting its protection against encroachment, disfigurement or alienation. They desired therefore that no changes should be sanctioned and no concessions granted such as would materially affect the appearance of the Maidan without their cognizance and sanction.^b The Bengal Government protested against this decision,^c but the Government of India, after explaining more precisely the intention of their orders and the grounds on which they were based, felt constrained to adhere to their determination.^d

The arrangement thus settled could not be better justified than by reference to the encroachment which, under the orders of the Bengal Government, the tramways company of Calcutta had been permitted to make upon the north-east corner of the Maidan, for the purpose of constructing loops and sidings for reversing their cars. The neighbouring portion of the Maidan has been deformed and rendered unsightly by this invasion, and it has long been the wish of His Excellency the Viceroy to recover the abandoned area and to rescue what should be one of the finest sites in the city from dirt and untidiness. The question of removing the loops arose in connection with the offer of Her Excellency Lady Curzon, on her return to India in 1905, to present a marble fountain to the city

(a) H. D. letter no. 2625, d. Aug. 1, 1905. (363)
(b) H. D. letter no. 39, d. Jan. 29, 1903. (369)

(c) Bengal letter no. 266, d. Mar. 16, 1903. (370)
(d) H. D. letter no. 370, d. May 6, 1903. (371)

of Calcutta, to be erected on the site in question on condition that it should be freed from all disfigurements. So long as it was uncertain whether the loops would be removed it was inevitable that the offer should remain in abeyance. On other grounds, however, the Lieutenant-Governor was himself anxious to recover the alienated ground, both in the interests of the convenience of the public and of the amenities of the Maidan, and he inquired if the Government of India approved of his calling on the company to remove the loops. The Government of India recognised that the proposal would probably be resisted but believing that the public convenience required that the proposed improvement should be effected they agreed that the Lieutenant-Governor should approach the company and endeavour to negotiate an amicable settlement.

26. *Acquisition of properties in Calcutta.*—In March 1905 the Calcutta Trades Association protested against the rumoured or intended acquisition by the Government of India of certain sites in the business quarter of Calcutta, on the ground that serious inconvenience and loss would be caused to the business firms who would be compelled to evacuate the properties acquired. The Government of India readily responded to this invitation to give a full explanation of their intentions, and showed that in some respects the Association had been misinformed as to what was proposed. Two properties at the corner of Hare Street and Council House Street were to be acquired and certain other sites in Government Place North and Wellesley Place: but there was no intention of taking over other sites in Hare Street, Government Place East, or in Lal Bazar, as had been supposed. The former properties which were being taken up were imperatively needed for the accommodation of the Commerce Department, the Railway Board and certain other offices which had been created in the public interest. The latter were required for the alleviation of the acute inconvenience resulting from the lack of proper accommodation for portions of the Government House establishment, such as the offices of the Private and Military Secretaries, the Press, the Band, the Band Master, the Assistant Surgeon and clerks, the stables, and married officers on the Viceroy's staff. In carrying out the necessary measures, however, the Government had endeavoured to cause the minimum of disturbance, and to give the utmost consideration to the interests affected. The Trades Association subsequently replied to this letter, urging that the interests of some of the firm affected had not received due consideration, but the Government of India did not deem it necessary to discuss the question further and the acquisition of the property was proceeded with.

27. *Town Hall, Calcutta.*—In the beginning of January 1905 the Chairman of the Calcutta Corporation inquired whether Government would be willing to purchase the Calcutta Town Hall site. He explained that the Corporation were considering the question of constructing a new Town Hall on another site. The Government of India did not require the property for their own purposes but His Excellency the Viceroy suggested that the Town Hall might very suitably be utilized as quarters for the Imperial Library which was rapidly outgrowing its accommodation in the Metcalfe Hall (para. 9 above). There were various advantages in this arrangement. The building itself could conveniently be adapted for the new purpose: it is situated near the Government offices and is conveniently placed for both natives and Europeans. There seemed no doubt that the Corporation had no saleable interests in the building or in its site, and there was evidently reason to think that they might agree to give up both if they received some assistance to enable them to construct a town

hall elsewhere. Accordingly in July 1905 the Government of India addressed the Government of Bengal asking whether they could arrange that definite proposals should be made by the Corporation.

28. *Furniture Commission*.—Towards the end of 1900 the Secretary of State desired that the question of the household and table equipments for the Heads of local Governments should be systematically examined and the apportionment between the State and the officer concerned of the expenses of maintenance decided^a. A small committee was accordingly appointed to visit Government Houses (other than those in Madras and Bombay) and to make lists of their requirements, and to estimate the cost of maintenance and renewals.^b Their report was eventually presented to the Secretary of State whose sanction was obtained to the proposals that the official residences of Lieutenant-Governors should in future be fully equipped at the cost of the State; and that the official residences of Chief Commissioners, Residents of the first class and Agents to the Governor-General should be similarly equipped, the officers being charged annually 5 per cent. of the capital cost.^c The scales of equipment proposed by the committee were adopted, and the normal annual grants and special grants on a change of permanent incumbents were also fixed.^d

29. *Arms Act and rules*.—There has been no change of principle in the administration of the Indian Arms Act during the past seven years. Only a few of the major alterations made in the rules can here be noticed. In the early part of 1899 the occurrence of murderous outrages in Peshawar led the Government of India to consider the question of the disarmament of the frontier districts. The local officers and the Punjab Government were strongly in favour of partial disarmament only, and the Government of India decided, as an experimental measure, to forbid the possession, save under license, of arms other than daggers and pistols only in municipal and cantonment areas. In July 1900 the Lieutenant-Governor proposed to prohibit the carrying and possession of rifles in the Derajat and Peshawar divisions, and the possession of daggers and pistols and the carrying of other arms in the Derajat. The Government of India accepted these proposals, but pointed out that previous action in Kohat and Peshawar had been ineffectual and intimated that unless further progress were made they must reconsider the advisability of proceeding to total disarmament.^e The Punjab Government in May 1901 was still averse from such a measure: and further consideration of the matter was deferred pending the constitution of the frontier province. The new Chief Commissioner, however, was also opposed to more stringent action and the Government of India have for the present contented themselves with directing him to keep disarmament in view as an ultimate aim.^f

In March 1900, as the outcome of correspondence with local Governments regarding the better control of fire-arms, the Government of India decided to discriminate in all license forms between muzzle-loading and breech-loading weapons (rifled and unrifled). Licenses to sell breech-loading rifles and their ammunition should, they decided, be granted by the local Government alone, and in non-frontier areas only. Other licenses for breech-loading fire-arms might be granted with the Commissioner's sanction: but such licenses for rifles should be sparingly given.^g At the same time the Government of India confirmed their previous provisional orders of July 3, 1899, prohibiting the importation into

(a) Desp. no. 150 (Pub.), d. Dec. 6, 1900.
(b) H. D. resn. no. 6008-21, d. Nov. 7, 1901. (373)
(c) { F. & C. desp. No. 316, d. Oct. 20, 1902.
Desp. no. 31 (Pub.), d. Mar. 27, 1903.

(d) H. D. resn. nos. 490-99, d. Mar. 1, 1904. (374.)
(e) H. D. letter no. 2510, d. Sep. 12, 1900. (375)
(f) F. D. letter no. 1841-F., d. May 20, 1902.
(g) H. D. letter nos. 826-835, d. Mar. 23, 1900.

India of any rifle from which Government ammunition could be fired : though for the convenience of persons already in legitimate possession of such rifles they agreed to allow a limited quantity of such ammunition to be imported by select dealers. In the case of Snider rifles of .577 bore the prohibition was subsequently withdrawn, as it was found that practically no weapons of this bore were brought into India save for sporting purposes. It has also been ruled that the prohibition in respect of the .303 bore shall be strictly confined to rifles and ammunition of that calibre : but local Governments have been asked to watch the importation both of rifles and cartridges of bores ranging from .290 to .320, as further action may become necessary if the number imported increases in a marked manner. So far this has not been the case. Frequent applications continued to reach the Government of India for exemption from the prohibitory orders, and as there was reason to believe that the rule was not sufficiently brought to the notice of officers or tourists coming to India, steps were taken in June 1905 through the medium of the India Office to make the prohibition imposed against the import of rifles of the .303 and .450 bores more widely known in England.

Owing to frequent alterations the existing rules and orders issued under the Arms Act had gradually become involved and obscured, and had finally acquired a form which caused the utmost inconvenience to the officers who had to administer them and to persons interested in the trade in arms and ammunition. The Government of India accordingly decided to codify the rules in an intelligible shape with the minimum alteration of matters of substance. This task was undertaken by Mr. R. Greeven, I.C.S., whose draft together with a full explanatory memorandum was circulated to local Governments for opinion in December 1904. The Government of India inquired whether the revised rules could be accepted as representing the existing practice of the various provinces, and whether some of the more intricate provisions, such as those relating to saltpetre and lead, which had become very elaborate through the accretions of years, could not be simplified. Local Governments' replies are still being received : but the re-issue of the rules will probably be deferred until the question of the amendments noted below has been determined.

In connection with the question of a game law (para. 30 below), under which it has been suggested that all gun licenses for sport shall in future be issued, the Government of India have proposed a revision of the rules relating to licenses in Form VIII (for purposes of sport, protection or display) and Form XI (for the purpose of destroying wild animals). They propose to discriminate between licenses for protection and licenses for display ; to authorise the use of the weapons covered by such licenses by servants only as occasion actually requires ; and to prohibit their use against animals save positively in self-defence. They have also proposed that licenses shall be separately granted for the destruction of dangerous animals and for the protection of crops. Local Governments, who have been consulted on these questions, have also been asked to do what is possible to fix a standard number for the licenses to be issued in each district, as existing practice appeared to be very diverse and irregular. The replies of provincial Governments have been received and are now before the Government of India, but the decision must depend on the result of the discussion of the proposed game law.

30. *Game protection.*—In August 1900 Lord Curzon's Government asked local Governments to report upon the nature and adequacy of the protection afforded to the wild birds of this country, and upon the danger of the extermin-

ation or serious diminution in the numbers of such birds, and more especially of insectivorous birds, and of those whose plumage possesses a commercial value. The replies received convinced them that the protection at present afforded was wholly inadequate, since not only was its legislative basis exceedingly limited in scope, but full advantage had not been taken even of the authority which it conferred, while in many places no serious attempt had been made to enforce such rules as had been framed under the law. In many places certain species of birds had almost wholly disappeared, or had been so largely reduced in numbers as to be threatened with speedy extermination. The customs returns for the last few years showed that the value of plumage exported from India by sea had in a single year mounted as high as Rs. 5,55,185; while the declared value of parcels of feathers forwarded by foreign post came to Rs. 1,54,785. Accordingly by orders in the Finance Department, dated September 19, 1902, the Government of India prohibited the export of the skins or feathers of birds—a prohibition that will, it is hoped, afford substantial protection to birds which are slaughtered chiefly on account of their plumage.

Their examination of this matter, however, drew the attention of the Government of India to the wider question of the advisability of framing a general game law for India. On several occasions this suggestion had been discussed: and the previous decision to refrain from legislation had been based not on the ground that the objections are insuperable, but on the view that no sufficient case for action had been made out. Recent information led the Government to modify this opinion, and in the belief that a rapid diminution of game is now taking place over the greater part of India—with serious consequences to the population of all classes—they decided early in 1904 to consult local Governments upon the advisability of undertaking legislation to check the mischief. To this end they prepared a bill of an empowering character, admitting of wide latitude of adaption to local conditions. The bill authorised local Governments to define game and provided a general definition in case they should not do so; it exempted certain acts including the destruction of dangerous beasts or animals damaging crops; it gave local Governments full power to prohibit or to regulate the pursuit of game with reference to local conditions; it reproduced the provisions of the Wild Birds Protection Act; it provided for the grant, inspection and withdrawal of game licenses; it forbade the use of fire-arms in pursuit of game save under a license; it enabled restrictions to be placed on the number of heads killed, and the amount of the license fees to be varied with the circumstances, and it provided certain additional measures of protection for fish. In circulating the bill for criticism the Government of India laid down as cardinal principles, firstly, that wherever and in so far as the preservation of game and the protection of crops are in substantial conflict, the former object must give way to the latter; secondly, that no desire to preserve game, dangerous or otherwise, can be allowed to interfere with the destruction of wild beasts which are dangerous either to human beings or to cattle; and thirdly, that whatever measures are adopted must apply equally to Europeans as well as to natives, without distinction of race. Local Governments were also asked to advise on the desirability of prohibiting the practice of shooting over water-holes; of imposing an export duty on horns or other trophies; of restricting the practice of bird-nesting; and of applying the revenue which might be yielded by the new law to the appointment of a special officer to advise on the subject of game protection or to the issue of free guns for the protection of crops. These proposals were laid before local Governments and the public generally in May 1904^b and in reply an immense volume of opinions was received from all classes of

persons interested in sport. These are now under consideration and it would be premature to attempt to indicate the conclusions to which they will probably lead. But it may be said that the necessity for legislation has been generally recognised, though substantial modifications will probably be required in the measures tentatively put forward last year.

31. *Indian Explosives Act.*—The control of explosives in India had been regularised in 1897 by the issue of complete rules under the Act by local Governments : and in 1898 the appointment of Chief Inspector of Explosives with the Government of India had been created. The duties of this officer are to examine magazines, to report on explosives, and to advise the Government on all explosive questions. In the inspection of magazines he was at first assisted by the officers of the powder factories at Ishapur and Kirkee : but the closing or conversion of these in 1900 prevented this assistance from being longer available. An Assistant Inspector of Explosives was therefore appointed as a temporary measure with effect from the beginning of that year. Both the Chief Inspector and the Assistant Inspector were subsequently confirmed in their appointments with effect from October 1, 1901, and January 1, 1903. The rules made under the Act have been repeatedly revised in recent years to meet the developing requirements of the traffic in explosives. In particular, all explosives imported by order of Government have been exempted from the rules regulating the handling of explosives within all Indian ports : acetylene under certain conditions has been declared to be an explosive : the period of storage for blasting gelatine has been limited to three years : a table of minimum distances to be kept clear around magazines has been prescribed : and the storage of explosives in floating magazines has been regulated. The transport and importation of explosives is regulated by rules issued by the Government of India, and after consultation with local Governments these were consolidated and revised in October 1901. Rules for the manufacture, possession and sale of explosives on the other hand are made by local Governments, with the previous sanction of the Governor General in Council. Amendments on points of detail have been made in these also as occasion required. For instance it appeared recently that the treatment of matches was not uniform in the various provinces, and local Governments have been asked to explain and to justify their practice. It is proposed also to declare picric acid and picrates to be explosives. As in the case of the carbide of calcium and petroleum rules (paras. 32 and 33 below), experience has shown that diversity of local rules involves needless correspondence with local Governments and is ill-suited to the requirements of firms engaged in the trade. It is proposed therefore to consolidate these rules and to issue them under the authority of the Government of India, and a draft set of consolidated rules has recently been circulated for criticism. The subject of explosives was transferred in March 1905 from the control of the Home Department to that of the newly constituted Commerce and Industry Department, and the head quarters of the Chief Inspector have recently been fixed at Calcutta. No serious explosions occurred in India during the period under review.

32. *Petroleum.*—Upon the consolidation of the law relating to petroleum in 1899, local Governments agreed to extend the new Act generally to their territories, and those which had not already done so proceeded to frame rules under section 9 of the new Act to regulate the possession and transport of the oil, and where necessary its importation also. Such rules require the previous sanction of the Governor General in Council, and a lengthy and

involved correspondence has resulted from the task of adapting them to local needs while preserving such measure of uniformity as is essential for the convenience of dealers trading throughout India. In settling the rules the Government of India have been advised by their Chief Inspector of Explosives who has been at pains to acquaint himself with the practical requirements of the producing and distributing agencies. It is impossible to refer here to the multifarious decisions on points of detail. Among the more important points discussed were the specifications of large and small installations for the storage of bulk oil : the protection of tanks with lightning conductors : the transport of dangerous petroleum by rail : the erection of a depôt in or near the vicinity of Calcutta for the storage of dangerous petroleum not in bulk : and the determination of an equitable scale of fees for licenses. In respect of the latter the Government of India have been guided by the principle that petroleum fees are intended not as a source of revenue, but solely as a contribution to the cost of the regulation of the trade in a dangerous commodity. Local Governments have been invited to consult the Chief Inspector both as to the grant and the renewal of licenses for the storage of petroleum in bulk : and the Chief Inspector and certain other officers have been empowered to inspect and search places and vessels containing petroleum. The inter-provincial transport of petroleum has also been regulated by rules made by the Governor-General in Council under section 8 of the Act^a and subject to the condition that the consignee shall not be bound by more than one set of provincial rules police officers and magistrates have been given powers to detain and to inspect petroleum in transit.

An important modification of the rules relating to petroleum generally was necessitated in the years 1902-03 when petrol began to come into common use in India as the propelling agency for motor-cars and bicycles. This spirit is technically dangerous petroleum, but the ordinary rules relating to the latter were too stringent to be well adapted to the conditions of use of the new product. To meet the convenience of consumers, the Government of India agreed to the grant of free licenses for the possession of petrol for use in motor-cars and for its transport on such cars for use therein^b. To the license forms were attached conditions, based upon the English regulations, of which the most important were that the spirit should be contained in secure vessels of capacity not exceeding two gallons and that not more than sixty gallons should be kept in any one storehouse. The size of the vessels permitted was afterwards raised to four gallons : and a general license for transport of petrol, otherwise than on the motorist's car, was granted at a moderate fee. The rules for motor-cars have also been applied, *mutatis mutandis*, to motor-launches.

The carriage of petroleum on native passenger ships is another question which has been the subject of much discussion with maritime governments and the firms concerned. Reluctance to hamper traffic led the Government of India to abandon their first intention of prohibiting passenger vessels entirely from carrying petroleum : and, with a view to minimising the risk of accident, rules were eventually settled defining the manner of packing, storing, and handling the oil. These were formally published by a notification issued in the Finance Department under the Native Passenger Ships Act, 1887.^c

The use of petroleum as fuel on sea-going ships is a further recent development for which the petroleum rules were not originally designed to provide

(a) H. D. notn. no. 1795, d. Dec. 12, 1902.

(b) H. D. letter nos. 1223-30, d. July 13, 1903. (377.)

(c) { F. & C. D. notn. no. 5100, d. Aug. 20, 1903. (378.)
F. & C. D. notn. no. 559, d. Sep. 10, 1903. (379.)

and in respect of which they are not in fact applied. In ports to which such steamers are admitted, the protection of the docks and of other shipping is secured by regulations made by the port authorities. In consequence of representations made by shipping agents in Bombay, the port trustees, after ascertaining the practice in English docks, have decided to admit ships carrying liquid fuel of flashing point not below 150° F. Inquiry showed that the regulations elsewhere were not restrictive, save possibly in Calcutta, and as regards the latter the attention of the Bengal Government has been drawn to the example of Bombay.

In connection with a project for the construction of new docks at Bombay, the Government of India desired the local Government to consider whether the large bulk-oil depôts, some of which already exist in the immediate neighbourhood, should not be removed to a site where they would be less dangerous in the event of explosion or fire^a. The Bombay Government reported that experts at home were of opinion that the danger had been exaggerated, and that if certain precautionary measures are adopted, there would be no danger. Pending a final conclusion, however, the local authorities ordered the removal of one bulk-oil depôt, and adopted certain precautions in regard to a second and prohibited the erection of any new ones in the vicinity of the new docks: but the Government of India have recently learned with satisfaction that it has been arranged to remove all the bulk-oil installations to a site far distant from the docks and public buildings.

Apart from the question of petrol it has been necessary in view of the expansion of the trade to modify the regulations in respect of dangerous petroleum generally. A general transport license has accordingly been provided, and the fees both for possession and transport of the dangerous oil have been reduced. Local Governments have been authorised to adopt these changes pending the issue of the consolidated rules noticed below. The importation of dangerous oil enclosed in tins has been forbidden.

The growing complexity of the correspondence about petroleum regulations and the inconvenience felt by large firms from the existence of several sets of provincial rules has recently led the Government of India to propose the consolidation of the various regulations in a single series^b. The provincial Governments have accepted the suggestion, and a set of uniform rules is being evolved. To meet the convenience of producing and distributing agencies it has been decided to allow combined storage, *i.e.*, storage in bulk and storage in tins or cases; and conditions have been drawn up appropriate to the respective requirements of major installations, which are rapidly increasing in number and are generally well equipped and managed, and minor installations, usually situated at railway stations, which are increasing no less rapidly but are not equally well constructed or maintained. Within municipalities and cantonments the trade in petroleum is liable to control under rules made by the local authority. In such local areas where the Petroleum Act applied, it appeared probable that conflicting orders were in force and that the requirements of the cantonment or municipal authority either exceeded or fell short of the local Government's rules, with the result that dealers either were unduly harassed or else escaped adequate control. Local Governments were accordingly required to ensure that their municipal rules were in accord with the rules made under the Petroleum Act, and the Cantonment Code was amended with the same intention. It will thus be seen that though much patient labour has been expended on the subject, the regulations governing the conduct of the

(a) H. D. letter no. 295, d. July 2^o, 1903.

(b) H. D. letter nos. 1414-23-A., d. Aug. 23, 1903.

petroleum and petrol trade in India cannot be regarded as finally settled yet. It has been necessary to make changes from time to time to meet the developing requirements of the trade. The rapid growth of the oil industry in India is illustrated by the fact that the output of indigenous crude petroleum has risen from 19 millions of gallons in 1897 to 88 millions in 1903. There are reasons for thinking that a further amendment of the Petroleum Act will be inevitable at no distant date, but in the meantime much has been done under the existing Act to render the regulations as elastic as is compatible with the securing of a due measure of safety. The subject of petroleum regulations was transferred to the control of the Commerce and Industry Department in March 1905.

33. *Carbide of calcium*.—One of the main objects with which the petroleum law was consolidated in 1899 was to provide for the regulation of the traffic in other dangerous substances, such as carbide of calcium, which was at that time beginning to find its way into use in India for the generation of acetylene gas. The appropriate provisions of the new Act were accordingly applied to carbide of calcium by notification in August 1899^a; and shortly afterwards the Government of India circulated a set of model rules for the guidance of local Governments in providing for its regulation.^b The main points for which these provided were the testing of the carbide on importation and precautions against damp during storage and transit. In some respects the strictness of the original draft has been relaxed in view of subsequent experience. It has been decided moreover that for the production of acetylene gas, generators of a pattern not approved by a committee appointed by the English Home Office can be permitted only if approved by competent testing authority in this country. But the process of settling the various provincial rules has been attended with difficulties similar to those described in the case of the rules for petroleum, and—in this case at the suggestion of the English Home Office—a similar solution has been sought in the proposal that a uniform set of rules shall be made for all provinces by the Government of India^c. Local Governments have assented to the suggestion, and a set of consolidated rules has been prepared. The more important amendments embodied in it are the abolition of the rule requiring a certificate of commercial purity in the case of all carbide imported, the raising of the quantities which may be possessed and stored, and the relaxation of certain other conditions of storage. These changes have been made in accordance with concessions recently adopted in the English rules. Since March 1905 the control of the trade in carbide of calcium has been in the hands of the Commerce and Industry Department.

34. *Indian Factories Act*.—The working of this Act throughout British India has been annually reviewed by the Government of India in despatches addressed to the Secretary of State. Indian manufactures are very sensitive to the effect of adverse conditions such as famine and plague, but on the whole a steady extension of the industrial activity of the country may be inferred from the increase in the number of factories from 1,101 in 1899 to 1,485 in 1904 and in the number of operatives from 452,796 to 587,560. The provincial reports show that the health of factory hands is well looked after and that careful precautions are taken against accidents. Special rules have been introduced in cotton-spinning mills for the prevention of accidents during the cleaning of ring-frames.

(a) H. D. note, no. 1118, d. Aug. 31, 1899.
 (b) H. D. letter nos. 142–50, d. Feb. 5, 1901.
 (c) H. D. letter nos. 404–12, d. Mar. 8, 1904. (380.)

Inspections have on the whole been regular and effective : the increase of work under this head has led to proposals to appoint assistant inspectors of factories in Bengal and the United Provinces, and to relieve the Bombay Presidency inspector of the duty of inspecting factories in the Central Provinces. These matters are still under consideration. Prosecutions though infrequent are increasing, a fact which suggests that the rules are being more strictly enforced. In a few instances there has been difficulty in enforcing the rule that a compensatory holiday shall be given to operatives employed on Sundays. Septic tanks for the disposal of sewage have been introduced with advantage in several large mills. Advantage has also been taken of the returns prescribed by the Act to endeavour to record accurately the prevailing rates of wages of skilled and unskilled labour of the various kinds throughout India.

In 1899 the Government of India were asked to enforce by legislation the closing of jute-mills on Saturdays, so as to ensure the grant of a holiday to the European assistants who otherwise were required to supervise the cleaning of the machinery on Sundays. But on examination of the matter they found that the alleged grievance was felt by only a small proportion of employés, while its removal by legislation would impose undesirable restrictions upon all mills alike. They decided accordingly to take no action for the time being. In 1903 the occurrence of two serious cases of fatal accidents by fire disclosed the fact that the Act made no adequate provision for fire protection; and local Governments were consulted upon a proposal to amend it so as to provide for rules prohibiting naked lights or smoking in the neighbourhood of inflammable material and for regulating the construction of factories so as to ensure sufficient and ready means of exit in cases of fire.* The Government of India also took the opportunity of inquiring whether experience of the working of the Act pointed to the existence of any minor defects which called for legislative amendment. Local Governments were unanimously in favour of the main proposals referred to them. A bill embodying the proposals was accordingly prepared and referred for the Secretary of State's sanction in May 1905. It provided also for the appointment of a responsible agent in the absence of the occupier of the factory and made various other improvements of minor importance. The Government of India declined for the present to adopt the suggestion made by the Collector of Bombay to the effect that the working hours of adult male operatives should be limited, and that women should be employed only between 6 A.M. and 6 P.M. The Secretary of State's sanction has recently been received and the bill has just been introduced in Council by the Hon'ble Member in charge of the Commerce Department, to whose control the subject has recently been transferred. It must however be regarded only as a partial though useful revision of the existing Act, as it leaves to future settlement the major question of the hours of labour for the determination of which the time is not yet ripe.

35. *Boiler-inspections.*—The subject of the control of steam-boilers and prime-movers is dealt with by local legislation. Early in 1899 an Act providing for the matter was passed in the United Provinces, and the appointment of the first inspector for those provinces was sanctioned in 1901. Two assistant inspectors have since been added. In 1902 the Punjab Government enacted a Steam Boilers Act on the lines adopted in the United Provinces, but the first inspector for the province was not appointed till August 1905. The Chief Commissioner of the Central Provinces has recently raised the question of providing

(a) H. D. letters nos. 979-87, 991-92, d. May 29, 1903. (381.)

for the inspection of boilers in that province and he has been instructed to submit a draft bill. For Bengal a fourth inspector was appointed in June 1900. In Madras an additional inspectorship was created in 1902 and the pay of the senior inspector was recently raised. In 1904 a fourth inspector was appointed in Bombay, so as to enable the services of one inspector to be allotted permanently to Sind. A long correspondence with the Government of Burma has arisen out of the expensive character of the boiler-inspection arrangements in that province. After rejecting other unsuitable expedients the Government of India approved of a scheme involving the appointment of a boiler commission as in Calcutta and the appointment of ultimately three inspectors. These proposals were sanctioned by the Secretary of State in August 1905.

36. *Smoke nuisance*.—In July 1899 Lord Curzon personally drew attention to the serious nuisance caused by the emission of black smoke from factory chimneys in Calcutta and the Bengal Government was asked to report what was being done to mitigate it. The retention of a special smoke inspector was temporarily sanctioned, but by March 1902 no improvement had ensued and the Government of India determined that more energetic measures must be taken. They thought that a new agency was required as well as an amended law, and they suggested the employment of an expert from England to advise on the special action necessary.^a The local Government was inclined to be content with more partial measures, but the Government of India adhered to their resolution and asked the Secretary of State to select and to send out an expert adviser.^b Mr. Grover, the gentleman selected, after due inquiry and experiment on the spot, submitted his report in July 1903, indicating the lines of the legislation which he regarded as necessary. A bill to give effect to his proposals was framed by the Government of Bengal early in 1904.^c It proposed to constitute a Smoke Commission and to appoint inspectors; and to empower the local Government (a) to frame rules prescribing a scale of density and time for the emission of smoke, (b) to direct that furnaces shall be constructed or altered so as to prevent their emitting smoke in excess of such rules and (c) to prohibit the erection of certain kinds of furnaces within specified limits. Appropriate penalties were provided for breaches of the law or of the rules made thereunder. The bill was accepted with certain modifications by the Government of India and after circulation for further criticism, in the course of which it was accepted by the commercial community without serious opposition, it was introduced in the local council in December 1904 and became law in the following April. Its passing represented the last stage of an undertaking which will, if the persons responsible for the administration of the new law discharge their duties with determination and fidelity, be of great and permanent benefit to the city of Calcutta. Steps are now being taken to obtain the services of a qualified smoke inspector from England. As previously stated the Act requires that the local Government shall appoint a commission to supervise and control its working. It has been decided that the commission shall be composed of the Commissioner of the presidency division, the Sanitary Engineer, the Inspector of factories, the District Magistrate of Howrah, two members nominated by the Bengal Chamber of Commerce, and one member nominated by the Bengal National Chamber of Commerce.

37. *Press prosecutions*.—The passing of the Indian Penal Code Amendment Act, 1898, had the effect of drawing more attention to press prosecutions than

(a) H. D. letter no. 745, d. Mar. 3, 1902 (82.)

(b) F & C. despatch no. 208, d. July 10, 1902. (833.)

(c) Bengal letter no. 1911-J. d. Mar. 11, 1904.

these had previously aroused. In 1899 cases occurred in which a local Government instituted prosecutions for seditious articles without such reference to the Supreme Government as the importance of the action taken required. The Government of India therefore decided to revoke their previous orders of 1890 which gave local Governments full discretion to prosecute offending newspapers; and directed that in all cases falling under section 124-A of the Penal Code they should be consulted before a prosecution was sanctioned. They added that all other classes of press prosecutions should be reported with the least possible delay.^a In 1899 as a result of the plague disturbances in Poona a majority of the Government of Bombay proposed an amendment of Act XXV of 1867 with the object of licensing all newspaper presses: but the Government of India preferred to rely on the provisions of section 108 of the Criminal Procedure Code, and were unable to approve of any further alteration of the law in the direction suggested.

Comparatively few prosecutions have been undertaken, and none are of such importance as to require notice. Towards the end of 1904, however, two vernacular newspapers, the *Kal* and the *Gujarati*, published in the Bombay presidency, distinguished themselves by publishing series of articles which were characterized by bitter animosity to Government. The advisability of prosecuting them was discussed between Lord Ampthill's and Lord Lamington's Governments after reference to the law officers, and the conclusion agreed on was that it would be politically inexpedient to put the law in motion. The Bombay Government explained that they were taking other measures experimentally in the hope of counteracting the influence of the wilder section of the vernacular press in that presidency. The question of amending the law relating to abetment of murder was also raised in the course of the discussion: but in February 1905 Lord Curzon's Government concluded that there was no reason to doubt the general efficacy of the law. In April 1902 the Government of India explained to local Governments that their previous orders of 1899 were intended to cover cases of the prosecution of the publishers of books as well as those of newspapers.

38. *Protection of press telegrams.*—In March 1899 at the instance of Reuter's agency and the *Pioneer* newspaper which represented the great disability under which they laboured from the systematic piracy of expensive telegrams, the Government of India proposed to the Secretary of State to follow the example of the Australian and other colonies in legislating to protect foreign telegraphic press messages from unauthorized publication within a specified period from the time of their first publication in British India. They recognised the great importance of securing a first-rate service of telegraphic news and they felt that it was an evil that private enterprise in this direction should be checked by the absence of a right of property in published messages.^b The Secretary of State sanctioned the proposal in May 1899. Certain newspaper representatives asked that protection might be extended to inland telegrams as well, but the Government of India declined to proceed with this suggestion. A bill was accordingly introduced in the Legislative Council but it was eventually decided, for reasons stated in the speech of His Excellency the President of March 16, 1900, not to proceed with it for the time being.

39. *Communication of information to the press.*—A further matter which the Government of Lord Curzon considered is the question of affording to the press greater facilities than have heretofore existed for procuring

(a) H. D. letter nos. 1761—70, d. Aug. 11, 1899.

(b) H. D. desp. no. 21, d. Mar. 23, 1899. (384.)

authentic information regarding matters of public interest. Hitherto only official documents of special importance had been communicated to newspapers, though it was open to the correspondents of such papers as were represented at the head-quarters of Government to apply personally for information to the officers of the various departments. This system was uncertain in its operation and had failed to satisfy the legitimate desire of some papers to be supplied more liberally with such official news as could properly be made public. The scheme which the Government of India referred for the opinion of local Governments proceeded on the following lines:—A room would be opened at the head-quarters of Government for the time being, where all information which could properly be placed at the disposal of the press would be sent daily either in print or in manuscript by the different departments. In each department an officer would be charged with the duty of selecting papers for the press room with reference to the nature and interest of the subject. The room would also contain official books of reference, so that a journalist finding papers relating to a particular subject could at once look up any necessary references and complete his information. Admission would be by cards, application for which should be made by the newspaper proprietor through the local Government. The press room would thus directly meet the requirements of those newspapers which have recognised agents at head-quarters and official information would in future be communicated through this channel to all persons who are authorized to use the room. As regards newspapers which were unrepresented at head-quarters and were therefore not in a position to make use of the press room, local Governments were asked to consider which of these were entitled to be furnished with official correspondence, and it was proposed that reports and the requisite number of copies of all printed papers available for the purpose should be supplied to the local Government for distribution to them. These proposals were generally accepted, and a press room with an appropriate establishment and equipment was opened in the Home Office at Calcutta in November 1904. The distribution of official papers through local Governments to newspapers which are not represented at the head-quarters of Government has been deferred until the lists of journals entitled to the privilege have been finally settled.

40. *Imperial and local legislative councils.*—In 1899 as a result of a review of the existing system of securing the representation of all important classes on the local legislative councils, the Government of India reported to the Secretary of State that no change was needed, save only in Bengal where one seat allotted to mufassal municipalities might be transferred to the nominee of the landholders' association.^a The Secretary of State sanctioned this change, but its operation was subsequently deferred till June 1900. The rules of local legislative councils were also altered so as to admit of action being taken in advance to fill a vacancy happening by expiry of time prior to its actual occurrence. Subsequently a similar change was made in the rules for the Imperial Council. The Government of India were unable to accept a proposal made by the Madras Government in 1900 to extend from six to ten days the time allowed for notice of questions and they indicated other means by which any abuse of the right of interpellation could be checked.^b In 1901 a further amendment was made in the rules for both the Imperial and the local councils to avoid difficulties which had arisen in connection with the interpretation of the term "ordinarily resident".^c Instructions were also communicated to the Governments of Bombay and Bengal regarding the question of the travelling allowance admissible to non-official

(a) H. D. desp. no. 42, d. July 6, 1899.

(b) H. D. *lettier nos.* 1579—81, d. June 13, 1900. (385.)

(c) H. D. desp. no. 51, d. May 23, 1901.

additional members. In November 1904 the Madras Government inquired whether the delegate of a municipal committee was bound to vote for a candidate for the local legislative council in accordance with the instructions received from the committee, or was free to exercise his own discretion. The Government of India, after ascertaining the practice in other provinces, replied that as the law stood the delegate had unfettered discretion, and they suggested that the subsidiary orders which had been issued in Madras purporting to limit his discretion should be modified. To bring about the result which the Madras Government wished to secure they preferred to rely on the tendency elsewhere apparent that delegates would gradually become only the mouth-pieces of the bodies nominating them.^a A proposal made by the Bengal Government to the effect that the regulations for election should be amended so as to ensure that municipal or district boards should, when appointing delegates to vote for candidates for council, have complete information regarding all the candidates forthcoming was negatived on the ground that the object in view could be secured by executive orders without an alteration of the statutory rules.

41. *Rules of business.*—The creation of the North-West Frontier Province and the formation of the new Department of Commerce and Industry have necessitated various amendments in the statutory rules for the transaction of business in the Council of the Governor General which were framed by Lord Elgin in August 1898. Other changes in the rules have been made with the object of placing on a more satisfactory footing the procedure in regard to references to the Legislative Department, and to the recording of minutes. The final amendment of the rules was for some time deferred under the Governor General's orders, pending further changes which may be made in the military administrative system of India, but it has been recently decided to issue them provisionally.

42. *Secretariat instructions.*—These are executive orders regulating the procedure and practice of the various departments of the Secretariat, in respect of matters which do not fall within the purview of the more formal rules of business. The comprehensive reform of office procedure which led to the re-issue of the Instructions in 1899 in an improved form has been described in Part I. Since that date amendments of minor moment have from time to time been made as occasion required. A revision of the instructions has recently been undertaken with the objects of improving their arrangement and of distinguishing more clearly between matters of substance and matters of routine, and the amended rules, after being for some time withheld for the same reason as in the case of the rules of business, are now being provisionally issued.

43. *Memorial and petition rules.*—The experience of recent years had shown that the orders regulating the presentation of petitions to the Government of India and the withholding of these in certain cases by local Governments were in some respects defective, and in 1905 the Government of Lord Curzon revised the rules. The main objects of the revision were (1) to provide for the treatment of petitions from persons residing under a local Government which is not concerned with the subject-matter of the request: (2) to authorise local Governments to withhold petitions praying for exemption from examination rules or similar dispensations: and (3) to define more clearly the procedure for the submission of appeals for mercy from convicted persons. Similar emendations were proposed to, and adopted by, the Secretary of State in the rules regulating the transmission of memorials to England^b. In one important

(a) H. D. Desp. no. 221, d. Aug. 2, 1905.

(b) { H. D. Desp. no. 18, d. June 23, 1904. (386.)
 { Desp. no. 143 (Public), d. Oct. 7, 1904. (387.)

aspect the rules have been further amended : and heads of Imperial departments have been given discretion to withhold appeals against their orders upholding on appeal the dismissal, removal, reduction or other punishment of a Government servant or the employé of a local authority on pay not exceeding Rs. 30 a month."

44. *Gazette of India*.—The improvements which were effected in 1901 in the appearance, arrangement, and conciseness of the *Gazette of India* have been noticed in Part I. Towards the end of 1904 the Government of Bombay proposed that the list of newspapers to which the gazette is supplied gratuitously should be revised and that a system of exchange should be introduced by which journals receiving the gazette free should undertake in return to furnish Government with free copies of their issues. The question has been reserved pending the settlement of the list of newspapers to whom official papers shall be communicated (para. 39).

45. *Use of the Royal Arms*.—The attention of the Government of India was recently called to the fact that in consequence of changes adopted in England at the beginning of His present Majesty's reign, the die used in stamping official stationery with the royal coat of arms was no longer correct. A new die was accordingly struck and specimens of the impressions were circulated in order that a similar stamp might be adopted for all official paper and envelopes throughout India. The use of an unauthorised official stamp in the Intelligence Branch of the Quarter Master General's office has also been discontinued. Instructions have also been issued that the design of the Royal Arms used in the *London Gazette* shall in future be adopted for the *Gazette of India*.

46. *Portraits of the Sovereign*.—In 1900 it was suggested by Lord Curzon that all official residences and buildings in India, in which the dignity and authority of the British Government are represented, should be provided with a suitable likeness of His Majesty the King-Emperor; the buildings being divided into three classes, and the cost of the portrait supplied to each being proportionate to its importance and dignity. Indents were obtained from local Governments, and the Secretary of State was asked to assist the Government of India in obtaining the required number of pictures. On learning, however, it was His Majesty's desire that the State portraits supplied should all be replicas of the painting by Mr. Luke Fildes, R.A., the Government of India curtailed their previous proposals, and proposed to confine the issue of replicas to Government Houses only, and to supply chromo-lithographs to a restricted number of the remaining buildings.* The Secretary of State has further modified these suggestions. The exact type of picture with which official buildings, other than Government Houses, will be furnished was referred by Lord Curzon while at home in the summer of 1904 to the King himself: and two varieties of portrait—an oil-painting and a coloured engraving—were prepared with the approval of His Majesty by Messrs. Downey & Co., and were sent out to India early in 1905 for distribution among the various official buildings and residences in which it had been decided to place them. Forty-four copies of the former and 507 copies of the latter class of portrait were thus distributed. The cost of the pictures was met from Imperial revenues.

47. *Commemoration of notable buildings*.—Much has been done by the Government of India in recent years to preserve historical relics and interesting

(a) H. D. notn. no. 2530, d. July 21, 1905.

(b) { H. D. desp. no. 72, d. Sep. 18, 1902. (388.)
H. D. desp. no. 67, d. Oct. 29, 1903. (389.)

sites and buildings in India. A great part of the action taken pertains to other departmental sections of the record of Lord Curzon's administration : but the Home Department was concerned with one important aspect of the matter, *viz.*, the commemoration of houses or dwellings which are notable for their historic associations or in which distinguished men, European or native, have resided. Following the course adopted by the Society of Arts in England, the Government of India in consultation with local Governments determined to commemorate such buildings by affixing to them a simple tablet or medallion recording the circumstances of interest attaching to them.^a Great care has been taken in the selection of those buildings whose associations are mainly personal, so as to prevent a measure which is intended as an honour to the few from becoming the prerogative of the many. Up to the present inscriptions have been placed on some 136 buildings in Madras, Bombay, Bengal, the United Provinces, the Punjab, the North-West Frontier Province, Rajputana, Mysore, Hyderabad, Central India and Baroda. The Government of India trust that these measures will be of value in preserving those personal and local associations which otherwise fade rapidly in India and in giving a direct stimulus to the more intimate study of the history of the past.^b

48. *Civil officers' uniform.*—The rules relating the wearing of uniform by civil officers were revised in 1899, the principal change made being that heads of the principal departments, commissioners of divisions and revenue officers superior to them were required to provide themselves with a first class uniform.^c Officers appointed temporarily to an office were not required to appear in uniform and it was ruled that an officer is not entitled to wear the uniform of an office which he has ceased to hold. Retired civil officers who when last on duty in India were entitled to wear uniform have been permitted to wear their uniform at the Court of His Majesty the King-Emperor.^d

49. *Kaisar-i-Hind medal.*—The difficulties which they had felt in suitably acknowledging services rendered in connection with plague and famine and also with local self-government and with kindred departments of public work, in the case of natives also but still more in the case of Europeans, led the Government of India in November 1899 to propose to the Secretary of State the institution by Royal Warrant for these purposes of a new Order to be conferable upon Europeans or natives, soldiers or civilians, men or women. They suggested that such Order should be styled the "Indian Public Service Order"; that any person, without distinction of race, occupation, position, or sex, should be eligible who has distinguished himself or herself by loyal and efficient service in the public interest; that there should be two classes, to the first of which appointment should be made by the Sovereign and to the second by the Governor General; that appointments should be entered in all official lists, but should not involve the addition of any letters after the name nor be referred to in ordinary correspondence, nor confer any rank, style, title, or precedence.^e Her late Majesty approved these proposals in a Royal Warrant of April 10, 1900 : and the name 'Kaisar-i-Hind Medal for Public Service in India' was adopted for the new decoration thus instituted.^f Since 1900, 99 medals of the first class and 198 medals of the second have been conferred upon recipients. On the accession of the present Sovereign, the form of the medal was changed and the terms of the warrant were slightly amended. It has recently been found desirable to discourage the idea that the two classes of the Kaisar-i-Hind Medals constitute grades of an order in which the recipient passes by natural selection from the lower to the higher. The Government of India have therefore directed

(a) H. D. letter nos. 1116—20, d. Feb. 26, 1901. (396.)
 (b) H. D. resn. nos. 234—42, d. Jan. 20, 1904. (391.)
 (c) H. D. letter nos. 2723—30, d. Nov. 22, 1899. (332.)

(d) H. D. note no. 111, d. Jan. 15, 1904. (393.)
 (e) H. D. desp. no. 65, d. Nov. 1899
 (f) Desp. no. 51 (Public), d. Apr. 26, 1900.

that recipients of the second class medal shall not be recommended for a medal of the first class except for distinct service of an exceptional character which in itself merits the bestowal of the first class decoration. When such further award is made, the second class medal originally granted will be returned by the recipient to the Home Secretary.

50. *Civil Division of the Indian Order of Merit.*—At the instance of Sir George White, formerly Commander-in-Chief in India, Lord Elgin's Government in 1898 proposed to institute a medal, with or without a sum of money, to be granted to persons in the service of Government for performing acts of gallantry at the risk of their lives, with special reference to the case of attacks by fanatics or armed criminals. In 1901 Lord Curzon's Government renewed this recommendation, pointing out that the institution of the Kaiser-i-Hind medal (para. 49 above) failed to provide for the cases in question.^a In reply the Secretary of State suggested the institution of a second or civil division of the military Order of Merit. His Lordship objected to the grant of money as a necessary incident of the award, but agreed that a grant might, if necessary, be made separately. He suggested that acts of gallantry performed by non-officials in aid of the public authority or safety should also qualify for the Order. The Government of India adopted these suggestions and framed rules based on those for the military division of the Order which the Secretary of State approved.^b In consequence of the institution of the English Order of Merit the name of the Order has since been changed to the "Indian Order of Merit." Since its institution the third class of the Order (to which appointments are always made in the first instance) has been conferred on eleven persons.

51. *Warrant of precedence.*—The warrant of precedence for India after remaining under revision during the years 1896-1898 was approved by Her late Majesty at the end of the latter year, and was notified by the Government of India in February 1899. In April of the same year the Secretary of State approved of the suggestion that there should be attached to the warrant a table showing the relative rank of officers in the Army, the Royal Navy and the Royal Indian Marine. This addition was accordingly made in January 1900: but the table has twice been subsequently revised, in January 1903 and in March 1904. Minor corrections were also made on two subsequent occasions. The warrant itself can be altered only by Royal authority, but the position of new officers in it has from time to time been notified as occasion arose by the Government of India. The question of issuing a supplementary Warrant has, however, recently been raised by the Secretary of State, but Lord Curzon's Government have replied that although several changes are desirable they are not yet sufficient in number or importance to justify a request for the issue of a fresh warrant. The case for doing so will, however, probably arise ere long and will be accelerated by administrative changes now in course of execution.

52. *Natural calamities.*—The past seven years have happily been free from many serious calamities; but four require mention. On the night of September 24, 1899, heavy landslips occurred in Darjeeling resulting in the loss of seventy-two lives and damage amounting to twenty-three lakhs of rupees. Conspicuous bravery was shown by many of the rescue parties: and for the relief of distress a fund was organised to which the public contributed generously. Simultaneously there occurred disastrous floods in Bhagalpur and the Santhal Parganas, which occasioned the loss of some 1,600 lives and the destruction of

(a) H. D. desp. no. 9, d. Jan. 24, 1901.

(b) H. D. notn. no. 2528, d. July 2, 1903.

over 25,000 houses. Energetic measures of relief were taken, but the people for the most part declined charitable assistance and faced their troubles with remarkable courage and independence. A year later an abnormal rainfall of 41 inches in seven days flooded the city of Calcutta, the water standing over four feet deep in certain parts of the town. The conservancy arrangements were interrupted for four or five days: the valuable waterworks, however, were not materially damaged. The direct loss of life was fortunately small though the monthly mortality from disease showed a striking rise. Over 300 huts and houses collapsed and over 1,000 others were damaged. Relief measures were organized efficiently by the corporation.

These disasters however were entirely eclipsed in respect of the damage caused to life and property by the great earthquake of April 4, 1905. The shock was felt severely throughout the Punjab and less severely in the northern portion of the United Provinces, but its full violence was experienced with terrible effects in the Kangra Valley. In Dharmsala, Kangra and Palampur every single habitation with the rarest exceptions was reduced in an instant to a heap of ruins. The shock occurred in the early morning when most people were still in their houses. Comparatively few escaped before the final collapse; many were killed outright and many others buried in the ruins. The total loss of life probably amounted to 20,000. All supplies, clothes and medicines locally available were also buried and thousands of domestic animals were killed. The arrival of relief was impeded by the breaking of all lines of communication, and the prospects of the entire rice and tea crops were immediately threatened by the destruction of all the irrigation channels in the district. In Dharmsala and Kangra the loss of life was specially heavy. Some twenty European civilians perished including three officers of the Punjab Commission. The military casualties were also numerous and included a large number of native officers and men of the Gurkha regiments at Dharmsala. Special measures of relief were rapidly organized, in which the General Officers commanding the Northern Command and the Lahore Division cordially co-operated. His Excellency the Governor-General only desisted from proceeding at once to the scene of the disaster at the urgent request of the Lieutenant-Governor who was about to go there himself. A relief fund was opened in India to which the public generously contributed, but as it was evident that Government assistance must in any case be given freely it was not thought necessary to appeal to a larger area through the medium of a public fund in England, though many private donations were received from home. The fund was administered by an executive committee of officials and non-officials, and a European officer of Government was deputed to make inquiries on their behalf and to assist them in dispensing relief. The Punjab Government at the same time undertook liberal measures of assistance in the shape of the repairing of irrigation channels, remissions of revenue, remissions of income-tax, the grant of *takavi* advances and the relaxation of the forest rules relating to the supply of timber for rebuilding or the grazing of cattle." Special pensions and gratuities were also sanctioned for both the civil and military officers injured and the families of those killed in the earthquake: and concessions in the shape of extra leave have been granted to those of the staff employed on the arduous work of relief, whose efforts were considered sufficiently meritorious to deserve such recognition.

53. *Native students in England.*—As the outcome of correspondence between the Secretary of State and Lord Elgin's Government, the Government of India in 1899 decided to press upon native students and others visiting Eng-

land the desirability of providing themselves with authoritative certificates of identity from the district officer or other corresponding authority, quarterly returns of which would be forwarded to the Government of India for transmission to England, duplicates being also sent direct to the India Office at the time of issue." Subsequently it was found that this procedure was not in all instances observed and it was decided to republish the orders periodically for the information of those concerned.

In 1903 Lord Curzon's Government were consulted by the Secretary of State upon the desirability of establishing a hostel for native students in England, or of adopting some other means for their supervision during their residence there. In reply the Government of India advised that Government action in such a matter would be liable to misconstruction; that some organization was required but that it should be essentially unofficial in character; that the risk that students might be indoctrinated with unsound political theories should be foreseen and guarded against; and that as regards the moral dangers to which youths from India are exposed in England it might, if any institution for their reception were founded, be possible to do some good, not by direct action on the part of Government but by mention of the matter in Convocation speeches.

54. *Training-ship for Eurasian boys.*—The Anglo-Indian Association in July 1902 put forward a scheme for the maintenance of a training-ship on the river Hughli for the instruction of Anglo-Indian boys from all parts of India, and asked for Government assistance in the shape of a capitation grant. In the course of discussion, however, this project, as to the practicability of which the Government of India from the first entertained great doubts, was abandoned by the promoters in favour of a scheme for sending a limited number of Eurasian boys to the training-ship "Mars" at Dundee, to which the Government of Bengal conditionally promised its assistance. Subsequently the accommodation available on the "Mars" was found to be insufficient and it was arranged that the boys should be sent to the ship "Mount Edgcumbe" at Plymouth. The Bengal Government then offered to contribute one-third of the cost of sending six boys for a three years' course of training. But the India Office has recently intimated that it would be inconvenient to receive the boys in the "Mount Edgcumbe" and other arrangements are at present under consideration.

55. *Barmaids.*—The employment of barmaids in Indian hotels is a question which has attracted some attention in recent years. In 1901 the Deputy Commissioner of Rangoon, acting under orders of the Financial Commissioner which the local Government approved, inserted in the license for hotels in that town a condition prohibiting the employment of women in any capacity. It was forcibly represented that such employment was prejudicial not only to the women themselves but also to the moral well-being of the community. The Government of India, on receipt of a representation from certain hotel proprietors who were aggrieved by the Deputy Commissioner's order, desired the local Government to assure itself of the legal validity of the prohibition, and asked that the reasons justifying it might be explained in more detail.^b The Burma Government furnished the information required, observed that the Bengal Government had taken similar action and suggested that the

(a) H. D. resn. nos. 2831—42, d. Dec. 8, 1899.
(b) H. D. letter no. 180, d. July 11, 1901.

orders should be maintained and their legal force put beyond question by an amendment of the law. On a reference to the Advocate General being made, that authority questioned the validity of the orders which the Governments of Bengal and Burma had issued; and on this opinion being communicated to them, both Governments proposed to amend their Excise Acts so as to take powers to enforce the prohibition. The question was then fully considered on its merits by Lord Curzon's Government, who decided that there were good and sufficient reasons for prohibiting the employment of women as barmaids in Indian hotels and to this end approved the proposals for legislation which had been laid before them.^a

56. *Marriages with Burmese women.*—The question of discouraging the practice of marriages between Government officers in Burma and women of the country has recently been considered by Government, in communication with the Secretary of State.^b The matter was regarded as one in which formal orders could not appropriately be issued, but the local Government has been instructed to warn all new officers that such marriages will almost certainly prejudice their official prospects, and it is hoped that this admonition will deter officers from a step which undoubtedly has harmful effects upon the administration.

57. *Buddha Gaya Temple.*—In 1900 the Buddhist community of Burma asked to be allowed to restore and to rebuild the famous temples at Buddha Gaya in Bengal: but in view of the fact that a Hindu mahant was, and had for a long time been, in proprietary possession, nothing could be done to meet their wishes, without special legislation for which neither the Government of Bengal nor the Government of India thought that a case was made out. Representations made to Lord Curzon by the Buddhist leaders during his visit to Burma in November 1901 were answered to the effect that the Government's policy of scrupulous abstention from interference in religious matters prevented them from taking action. More recently the Government of Bengal has represented that the mahant and his disciples have assumed a more hostile and less tolerant attitude and have persistently endeavoured to convert the Gaya shrine into a seat of Hindu worship, distasteful to the Buddhist pilgrims who visit it from many lands. In January 1903 the Governor General visited Buddha Gaya and personally reviewed the position. He made it clear to the mahant that his attitude was obnoxious to Government and should be abandoned. But further negotiations conducted by the Collector proved infructuous, and in March 1903 an informal commission consisting of two native gentlemen of learning and authority was appointed to clear up certain doubtful questions of fact and to use their influence in inducing the mahant to agree to reasonable concessions. They recommended that the mahant should sign an agreement vesting the control of the shrine in an independent board with power to settle all questions of ritual and forms of worship, or that in the alternative legislation should be undertaken. Repeated attempts to induce the mahant to accept an agreement on these lines have hitherto failed, but the Government of Bengal has been unremitting in its efforts to bring about a settlement and it is hoped that the present Lieutenant-Governor may be able to effect it.

58. *Thathanabaing of Upper Burma.*—The need of a recognised ecclesiastical head for the Buddhist community in Upper Burma to decide all matters

(a) H. D. letter nos. 203—10, d. Nov. 4, 1902.

(b) { H. D. despatch no. 7, d. Feb. 26, 1903. (395)
 { Despatch no. 40 (Public), d. Apr. 10, 1903. (536)

regulated by ecclesiastical law was strongly represented to Lord Curzon in conference with certain leading Sadaws on November 29, 1901. His Excellency replied that he would be prepared to consider the recognition of a Thathanabaing who possessed the necessary qualifications, was selected by a substantial majority, was generally approved by the whole Buddhist community and was recommended by the Lieutenant-Governor. In August 1902 the Burma Government proposed that the appointment of a Thathanabaing selected by non-Government agency should be acknowledged by Government. It further recommended that the Taunggwin Sayadaw, whose selection as the second candidate at an election held at Mandalay in November 1901 had since, in consequence of the death of the first selected candidate, been ratified by the general approval of the Buddhist community, should be recognised as Thathanabaing. The Government of India agreed to these proposals and the Taunggwin Sayadaw was accordingly recognised in May 1903. A sanad in terms approved by the Governor General in Council was at the same time bestowed on him.^a It required the new dignitary to use his influence on the side of law and order and to assist in the work of education, and Government for its part undertook that the general privileges hitherto enjoyed by the Buddhist community should be preserved to them. In 1904, in accordance with an undertaking given by Lord Curzon at the conference of 1901, the grant of twenty-five bags of rice a month was sanctioned to the new Thathanabaing.

59. *Registration departments.*—In five provinces the registration department has been reorganised or improved during recent years. In the Madras presidency an additional expenditure of Rs. 21,000 a year was incurred in 1899 on the abolition of the system of paying district registrars and sub-registrars commission fees, the re-grading of district registrars, the re-grading of sub-registrars, and the revision of the establishment of probationary sub-registrars. In 1901 the system then obtaining in the North-Western Provinces of remunerating sub-registrars partly by fees and partly by fixed salaries was extended to Oudh, and a class of *muharrirs* on scales of pay varying from Rs. 10 to Rs. 20 was also created. In 1903 the Government of Bengal also submitted a scheme for the reorganisation of its registration establishment. The main objects were to grade special and rural sub-registrars on fixed salaries and to treat the service of the latter class as pensionable, and to improve the position of clerks and *muharrirs* in rural offices. The scheme with certain modifications was accepted by Lord Curzon's Government and was sanctioned by the Secretary of State in 1905. In the same year the registration establishment of the Central Provinces underwent a slight revision which mainly consisted in increasing the number of salaried sub-registrars to be substituted for an *ex-officio* agency. A revised scale of remuneration consisting partly of fixed salaries and partly of a percentage of the registration fees was also sanctioned for non-official sub-registrars in the Punjab in May 1905.

60. *European vagrants.*—In July 1902, as the result of a question asked in the House of Commons, the Secretary of State called attention to the unsatisfactory character of the arrangements then obtaining in some provinces whereby European vagrants—not being persons convicted of any offence—were detained in work-house premises connected with the public jail. On consulting local Governments Lord Curzon's Government learned that the only work-houses

(a) H. D. letter no. 1959, d. May 13, 1903. (397)

situated within jail precincts were those at Madras, Bombay and Rangoon. They concluded that so long as the work-house was in no sense a section of a jail and the inmates were kept entirely apart from the prisoners, the establishment of special institutions was hardly called for; and that economy and efficiency would be secured by utilizing the existing jail establishment for the superintendence and medical treatment of vagrants. They proposed to make no change in existing arrangements beyond providing separate entrances for the male and female work-houses at Bombay so that the inmates might not have to pass through the prison premises on entering or leaving. The Secretary of State, however, decided that accommodation entirely separate from the criminal prison should be provided at Bombay for the male vagrants; but considered that the female vagrants there, who are very few, might continue to be lodged in the civil prison where convicted criminals are not received. He also directed that a work-house should be provided outside the jail at Rangoon; and suggested that European vagrants from Madras should be sent to the work-houses at Bombay if this was preferred. Lord Curzon's Government issued instructions accordingly to the local Governments concerned in September 1903. In 1904 the Punjab Government proposed to utilize a portion of the female jail at Lahore as a work-house for the reception of women vagrants; but in view of the strong opinions held by the Secretary of State the Government of India were unable to agree to the suggestion and directed that other arrangements should be made.

61. *Central Library, Simla.*—On the occupation of the new civil secretariat buildings in Simla at the beginning of the season of 1905 the question whether the libraries of the several departments could not be amalgamated was raised in connection with the allotment of accommodation. The library of the Legislative Department being of a specially technical character was left in the charge of that department. But it appeared that there were no insuperable objections to the amalgamation of the libraries of the Home, Revenue and Finance Departments and obvious advantages in such an arrangement, especially as regards the weeding out of bulky duplicates. As the result of discussion among the departments concerned such books and publications as are not constantly required for reference have been made over by the other departments to the charge of the Home Department. These are being arranged and catalogued by a temporary staff with the assistance and advice of Mr. Macfarlane, Librarian of the Imperial Library. The future management of the combined library is under consideration.

62. *Summary of Lord Curzon's administration.*—The departmental summaries of the principal measures of Lord Curzon's viceroyalty were compiled in the first instance in the summer of 1904 during His Excellency's absence in England. Endeavour has been made to give them more of the character of a consecutive narrative than has been usual in the past. The summaries were rewritten and brought up to date during September and October 1905 when Lord Curzon's departure from India became imminent.

